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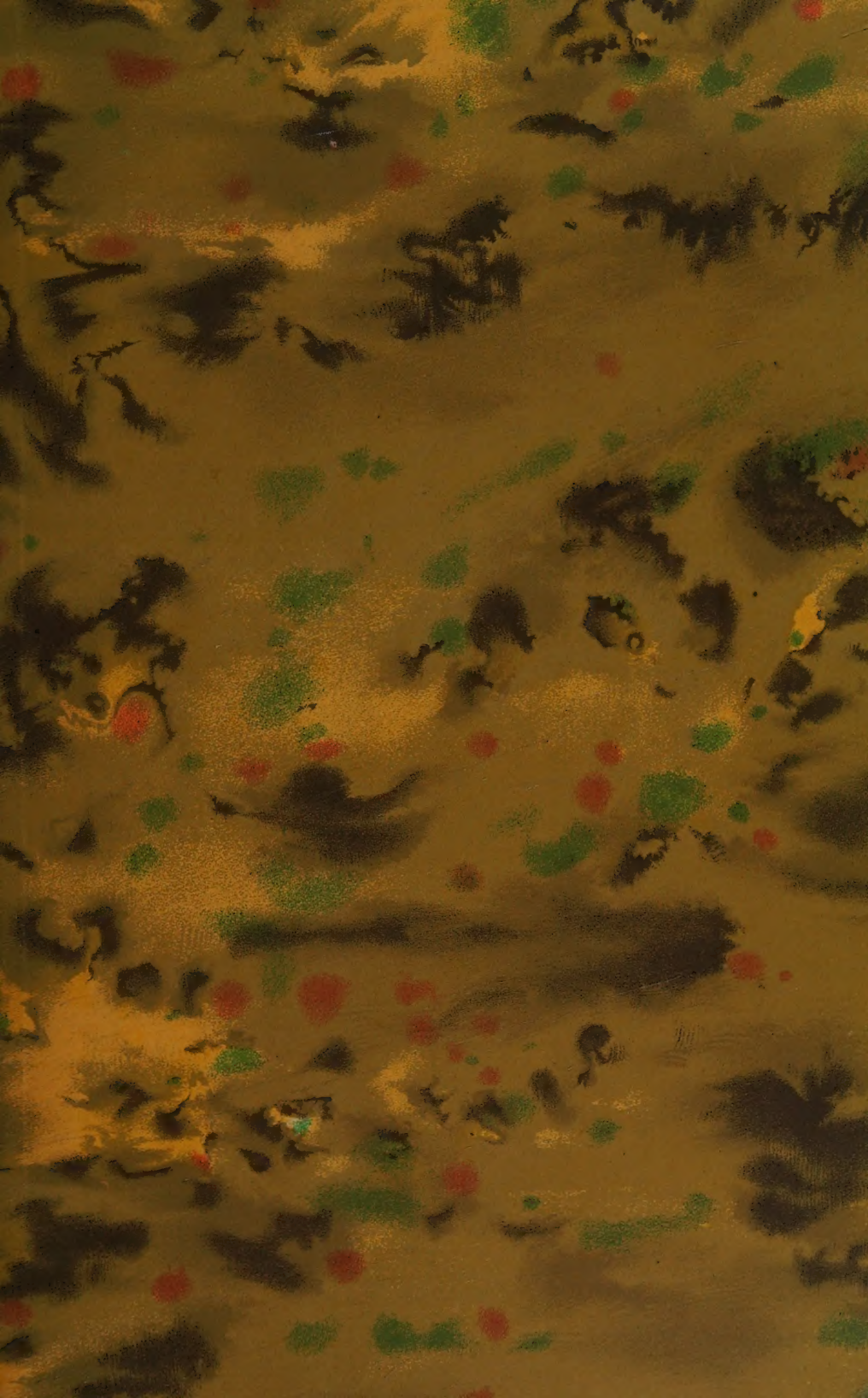

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A HISTORY OF TEXAS

Volume Two

ELIZABETH NEY'S STATUE OF SAM HOUSTON IN THE STATE CAPITOL AT AUSTIN.

A HISTORY OF TEXAS

FROM WILDERNESS TO COMMONWEALTH

BY
LOUIS J. WORTHAM, LL. D.

IN FIVE VOLUMES
VOLUME TWO

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A HISTORY OF TEXAS

VOLUME II.

CHAPTER XVIII.

TEXAS BACKS SANTA ANNA.

With Lucas Alamán in charge of Mexico's relations with the United States in his capacity of foreign secretary, and with Terán directing the operations of the law of April 6 in Texas, to carry out the program of "frustrating the Yankee plot to acquire Mexican territory," it was needful only to place the "right man" at Washington. Accordingly, José M. Tornel, the remaining member of the triumvirate which had induced Bustamante to adopt this policy, was sent to the American capital as minister to the United States.

Tornel proceeded to play his part in the program by publishing far and wide in American newspapers a warning that Americans must not go to Texas as colonists. He quoted the eleventh article of the law of April 6, which provided that "It is prohibited that emigrants from nations bordering on this Republic shall settle in states and territories adjacent to their own nations," and declared that this law would be enforced. "Wherefore I declare, in the name of the Mexican Government," he said, "that whatever contract shall have been made in violation of said law will be null and void, it being understood that colonization

in the State of Coahuila and Texas, and the territory of New Mexico, by citizens of the United States, has been prohibited."

That it was the intention of Alamán that this provision should stop American immigration altogether, there can be little doubt. But in practice American immigration continued. In the first place, it was not difficult to cross the border without being observed, and many Americans came into Texas at points remote from those guarded by Mexican troops. But, in addition to this, Austin took the position that the law did not apply to immigration to his colony, and the Mexican officials, faced with the peculiar difficulties which would arise from any attempt to interfere with Austin's contracts, agreed to this interpretation. It was Austin's policy at all times to obtain his ends with the least friction, and while he would not have supinely submitted to an out-and-out cancellation of his contracts, which would have resulted in great loss to him, instead of registering a protest, he smilingly assumed that the Mexicans had no intention of interfering with him; and the authorities on their part smilingly assured him that such was the case. But it was necessary that there should be an appearance of "legality," and Austin's colonists would have to be introduced "in accordance with the law." So an arrangement was worked out.

It was Austin's insight into Mexican character which made this possible. He understood how to handle these peculiar people. "They are a strange people," he once wrote, "and must be studied to be managed. They have high ideas of national dignity, should it be openly attacked, but will sacrifice national dignity, and national

interest, too, if it can be done in a 'still' way, or so as not to arrest public attention. '*Diós castiga el escándalo mas que el crimen*' (God punishes the exposure more than the crime) is their motto. The maxim influences their morals and their politics. I learned it when I was there in 1822, and I now believe that if I had not always kept it in view, and known the power which 'appearances' have on them, even when they know they are deceived, I should never have succeeded to the extent I have done in Americanizing Texas." Austin kept this characteristic in view in adjusting himself to the law of April 6. He sought a "still" way to accomplish his end, a way that would not "arrest public attention," and that would have the "appearance" of legality. The way finally worked out was cumbersome and inconvenient, and checked immigration considerably, but it was the best Austin could hope for so long as the law was in effect. It consisted in the requirement that immigrants intending to settle in Austin's colony should have a certificate from him, or his duly authorized agent, setting forth that fact. Such certificates were treated the same as passports. In theory these certificates were to be obtained by the prospective colonists before setting out, but in practice, as shall be seen, they were issued at Nacogdoches.

Thus it came about that the enforcement of the law consisted in barring Americans who were not armed with passports or certificates showing them to be en route to Austin's colony. Such persons were turned back at Nacogdoches or the coast. If an American merely desired to come into Texas, however, and did not contemplate obtaining a grant of land, it was easy

to slip across the border. How easy it was is strikingly illustrated in the case of Martin Parmer. Parmer had been one of the leaders of the Fredonian revolt, and had fled from Texas with the Edwards brothers in 1827. He had been outlawed, of course, and was subject to arrest on sight within the borders of Texas. And yet, in 1831, after the law barring Americans had been in effect for some time, Parmer returned to Texas and even went boldly to San Antonio, where he was recognized on the streets. He evaded arrest, however, and a general order went out that he should be taken into custody wherever found in Texas. In spite of this he remained in Texas and was never arrested.

The case of Alexander Thomson and a number of families he conducted to Texas supplies another illustration. Shortly after the law went into effect, Thomson appeared at Nacogdoches as the representative of a party of immigrants intending to settle in the colony of the empresario Sterling C. Robertson. Colonel Piedras, who was in command at that place, informed him that Robertson's contract had been suspended by the law of April 6, and that the families who had camped just east of Nacogdoches would not be permitted to advance further. They must return to the United States, he said. This would have been a calamity to these people, for they had no previous knowledge of the situation, and had made all preparations to settle permanently in Texas. Learning that settlers were still being received at Austin's colony, Thomson suggested that they might go there. Piedras said that certificates showing the immigrants were en route to Austin's colony would be necessary. Thomson then suggested that he

be permitted to go to San Felipe and obtain certificates, and Piedras agreed that if the immigrants were willing this might be arranged. Thomson returned to the camp where the families waited, and the matter was discussed. Thomson naturally felt under obligation to Robertson, however, and so did the other immigrants, for they had made agreements with him to settle in his colony. They did not feel at liberty to violate those agreements by settling in Austin's colony instead. So they decided on a plan to get into Texas without violating the agreements.

In accordance with this plan Thomson returned to Nacogdoches and informed Piedras that he would go on to San Felipe to obtain the certificates from Austin. Meantime, by previous agreement, the rest of the party proceeded to make their way around Nacogdoches, keeping a good distance from the town, and joined Thomson at a point west of that place. They then traveled without interference to the site of Robertson's colony. When Thomson did not return, Piedras investigated and discovered, of course, what had happened. Incidentally, he is said to have remarked that he was commissioned to keep Americans from passing through Nacogdoches, and could not be expected to prevent them from passing around Nacogdoches. But immediately there was an outcry by the authorities, and it was ordered that the intruders must leave Texas. By this time the immigrants had come to appreciate the true status of things, and to realize the fact that the law barred them from obtaining lands under Robertson's contract. In this extremity they appealed to Austin for assistance, and he agreed to accept them as colonists if the Mexican

authorities would permit it. He made a favorable report to the authorities concerning them, pointing out that the confusion had occurred because of their ignorance of the provisions of the new law. The authorities decided that, inasmuch as Piedras had agreed that they might enter Austin's colony, they could remain if Austin would accept them as colonists, for this would be complying with the agreement they made with Piedras.

In order to avoid such occurrences, and to insure that desirable immigrants coming to Nacogdoches might not be turned back, Austin appealed to T. F. McKinney to recommend a suitable person at that place to represent him in issuing certificates. The result was that M. B. Menard became Austin's agent at Nacogdoches. Austin's letter to Menard, which was accompanied by a more formal document containing instructions, throws much light on the method of admitting Americans. After cautioning him to give certificates only to persons of good character, Austin wrote Menard as follows:

"I must request that you take pains to impress upon the emigrants the necessity of presenting themselves immediately to Colonel Piedras, and that they treat him with the respect and attention which are due the commanding officer of this nation on that frontier, and also that they treat all the officers and authorities of this government with proper respect, and I hope you will refuse certificates to all who fail to do so.

"Show your instructions to Colonel Piedras, as you are required to do in the seventh article, and have a friendly understanding with him; try to remove all difficulties to the emigration of good men, and get all through that you can that are worthy of being admitted.

Trouble Piedras as little as possible, but call on him often enough to show that you respect his authority and wish to act in concert with him."

So it was that Austin managed to keep the tide of immigration flowing to his colony in spite of the law of April 6, though the law did interfere with this plan because a great many desirable people, who otherwise would have come to Texas, were deterred from starting at all. The supply of immigrants was limited almost entirely to the "good men" who arrived at Nacogdoches, and, as it became generally known in the United States that Mexico had prohibited Americans from settling in Texas, these were not as numerous as Austin could have wished. The Mexican consul at New Orleans, James William Breedlove, seems to have cooperated with Austin in this matter, for, when Tornel's "warning" appeared in the American newspapers, he sent Austin a clipping containing a copy of it, and wrote that he took it for granted that it did not apply to Austin's colony. "I feel very certain," he wrote, "that Colonel Tornel did not mean this publication to extend to any grant which stood on the same ground yours does, and so I have explained his meaning to all who have called on me." It might be thought that this special status of Austin's colony, amounting almost to a monopoly, would operate to his advantage. Practically, however, it did not work out that way. It is doubtful whether a great many colonists were obtained through the arrangement at Nacogdoches, and it is certain that immigration to Texas was greatly reduced by the operation of the law.

The law did have the effect of increasing the number

of "squatters" in East Texas. Most of the settlers in that section were still without titles to their lands, and the question was raised by the law of April 6 whether they ever would obtain titles. As has been said, it was not difficult to slip across the border, and many availed themselves of this method of entering Texas. If they could not obtain legal titles to land they were hardly worse off than many others who had been in the country for years, and some of these newcomers were not seeking land. As a matter of fact, among the chief effects of the law was the bringing to Texas of many of the class of Americans the Mexicans were most anxious to keep out, and the creating of discontent among the settlers in East Texas who still were without titles to their lands.

An incident occurred early in 1831 which served to increase this discontent, as well as to illustrate the peculiar point of view of the Mexicans in enforcing the law. The state authorities, be it said, were not at all in sympathy with the new policy of the national government, and when, acting upon Austin's advice, seventy-two settlers on the Trinity river petitioned the state government to appoint a commissioner to put them in legal possession of their lands, the request was promptly granted. Because of the experience of Padilla at Nacogdoches, Austin believed that it would be best for the commissioner to make his headquarters elsewhere. Accordingly, the governor appointed Francisco Madero as land commissioner and J. M. Carajal as surveyor, and instructed the commissioner to organize a new municipality on the Trinity.

Madero arrived in Texas in January, 1831, and, after

conferring with Austin at San Felipe, proceeded to the Trinity with his surveyor to carry out the state government's instructions. He organized the municipality of Liberty and began the survey of lands. When Colonel Bradburn, at Anáhuac, learned of his arrival and his purpose, he immediately notified Terán. Terán decided that it was a violation of the law of April 6 for the state to issue titles to Americans, except in the colonies of Austin, DeWitt and DeLeon, and ordered Madero's arrest. Bradburn obeyed these instructions to the letter, arresting both Madero and his surveyor, and confining them in the fort at Anáhuac. This brought about a clash between the state authorities and the military, and the prisoners subsequently were released. But Bradburn interfered with the holding of an election in the new municipality of Liberty, and finally dissolved the ayuntamiento at that place. Then, without authority from the state government, he established another municipality, with an ayuntamiento of his own, at Anáhuac.

These proceedings served to disturb the settlers in Eastern Texas considerably, for the attitude of Terán seemed to mean that the law of April 6 prohibited the issuance of titles to their lands, but there were no public demonstrations. There was some trouble, however, between customs officials on the coast and the masters of vessels trading with Texas. One of Bradburn's measures for enforcing the revenue laws, which went into effect in November, 1830, through expiration of the period during which colonists were exempt from the payment of duties, was to close the port at the mouth of the Brazos and to make Galveston (Anáhuac)

the only port of entry. It was provided that any vessel unloading or taking on cargo at any other point must obtain clearance papers at Anáhuac before sailing. This was an impractical arrangement and it was very obnoxious to the captains of such vessels. On December 15, 1831, the captain of one such vessel, the *Sabine*, acting under instructions from her owner, sailed from the mouth of the Brazos, with a load of cotton, without first obtaining the required permission, and without paying duty. The Mexican garrison on the Brazos fired on the *Sabine*, but she escaped uninjured.

The next day the citizens of Brazoria held a mass meeting to discuss what ought to be done, and it was decided to send a delegation to Anáhuac to request Bradburn to reopen the port. Dr. Branch T. Archer and George B. McKinstry were appointed to perform this duty, and they made such strong representations to Bradburn on the subject that he reversed his former order and reopened the port. There were other clashes between the captains of vessels and the revenue officers, especially at Galveston, where George Fisher was stationed as collector of revenue, but none of a very serious character, and nothing that could be blamed on the colonists.

Thus, in spite of the operation of the law of April 6, the year 1831 closed without any untoward events. The governor of Coahuila and Texas, in submitting his annual message on January 2, 1832, could say with perfect truth that "the public tranquillity has not been disturbed in any manner in any place in the state, even though Col. Davis Bradburn assumed without the authority of

the government the power of arresting a commissioner of the government itself for the distribution of lands."

Few other governors of Mexican states could have made the same declaration as truthfully. For the two years of the Bustamante regime had been marked by a progressive usurpation of the powers of the states by the national government. Several governors and other officials had been deposed for no better reason than that they were adherents of the Yorkino party. A number of prominent citizens had been exiled and the jails were filled with political opponents of the government or persons denounced by paid spies. There had been open revolts in Michoacan and other parts of the South, and in the states of Mexico, San Luis Potosí and Puebla. All of these had been put down ruthlessly. The military element gained daily in influence in public affairs, and in many of the states the civil officials were mere puppets of Bustamante's ministers, and the citizens of the states were overawed by the *comandantes* of the federal troops. It had soon become clear that the overthrow of Guerrero had a much greater significance than merely the placing of new men in office. The truth was that the party which had been defeated in the framing of the constitution of 1824, the party which had opposed the federal system, was in complete control, and while the constitution was supposed to be still in effect, its most vital provisions were absolutely disregarded by Bustamante's cabinet, under the domination of Alamán. Bustamante retained the title of vice-president, but this was a mere subterfuge. He had become the head of a despotism as complete as anything Iturbide had ever attempted. With-

out even a pretense of amending the constitution, the whole character of the government was being changed.

There was widespread discontent, but as the presidential election was approaching the moderate opponents of the government confined their criticism to the members of the cabinet, being willing to permit the question of the presidency to go to the decision of the election. However, there were many who pointed out that if no change were made before the election, the cabinet, through the power of the army and the influence of the clergy, would control it and thus perpetuate their rule. The time in which action could be taken was short. If a widespread revolution and another change of the government through violence were to be averted, Bustamante must dismiss his ministers.

On January 1, 1832, the day before the governor of Coahuila and Texas expressed satisfaction over the public tranquillity in that state, Bustamante congratulated congress on the progress which had been made during his administration, and remarked that "the fury and animosity of political parties" had almost disappeared. The next day, January 2, 1832, the garrison at Vera Cruz issued a pronunciamento, demanding the dismissal of the cabinet and calling upon Santa Anna to come from his retirement and lead the movement to achieve this end.

The "plan of Vera Cruz," as it came to be called, was embodied in four resolutions, as follows:

1. The garrison renews the obligation to faithfully observe the federal constitution and laws.

2. It asks the vice-president to dismiss the ministers

whom public opinion charges with upholding centralism and tolerating abuses against civil liberty and personal rights.

3. It appoints a committee of two officers to lay these proceedings before Santa Anna, and invite him to repair to Vera Cruz and take command of the forces.

4. The garrison, in the event of Santa Anna's acceptance of the invitation, abstains from addressing the supreme government. The general will send this act and such other remarks as he may deem expedient to the vice-president and the authorities of the federation and states, adopting such measures besides as may conduce to the accomplishment of the desired object.

Santa Anna had been living the life of a country gentleman on his estate—Manga de Clavo—for two years, and had refused all offers of positions from the government and all invitations to lead movements against the government. But now he decided to act. He accepted the invitation of the garrison, went promptly to Vera Cruz, and from that place addressed a communication to Bustamante on January 4, detailing the occurrences there, and modestly tendering his good offices to bring about the desired end without bloodshed.

Developments then came thick and fast. Alamán addressed congress in defense of the ministers, and both houses expressed by vote the desire that they should remain in office. Then all of the members of the cabinet handed in their resignations to Bustamante and he refused to accept them. And finally Facio, the minister of war, made preparations to put down the revolt, dispatching a force of thirty-seven hundred troops under General José María Calderón against Santa Anna. So

hostilities were commenced. Santa Anna attained some partial successes at first, but, encountering Calderón at Talome on March 3, he was disastrously defeated, with heavy losses in killed, wounded and prisoners, and was compelled to retreat with the remnant of his forces to Vera Cruz. Here he proceeded to fortify himself and to reorganize his army, while Calderón began a siege of the town.

Meantime, however, Francisco V. Fernández, governor of Tamaulipas, just north of the state of Vera Cruz, and immediately south of Texas, raised the standard of revolt. He was supported by the *comandante* at Tampico, Gen. Esteban Moctezuma. This was in Terán's jurisdiction, which so far had been quiet, and he immediately took steps to deal with the revolt. He first tried conciliatory measures and succeeded in inducing the legislature to depose Fernández and set up another state government. But he made no headway with Moctezuma. Terán, therefore, attacked the latter at Tampico on May 13, but he was repulsed and disastrously defeated. Moctezuma then marched to the interior. On the same day that Terán met with disaster at Tampico, Calderón, finding he was making no headway against Vera Cruz, but on the contrary was losing his men daily from disease, abandoned the project, raised the siege and marched away to deal with outbreaks elsewhere.

These outbreaks were becoming serious. José Antonio Barragán had revolted in San Luis Potosí, and he was soon followed by the states of Zacatecas and Jalisco. The latter two states raised a new question by demanding the restoration of "legitimacy," declaring that the administrations of both Guerrero and Bustamante were

illegal, and that Gómez Pedraza, who had been legally elected in 1828, should be placed in the president's chair. This program was originated by Gómez Farias, one of the most enlightened and devoted republicans in Mexico, and its purpose was to lay the basis for the restoration of the federal republican form of government and of civil power. In the face of this new movement the cabinet became alarmed and decided to resign, thus meeting the original demands of the garrison of Vera Cruz. Accordingly, on May 17 the resignations of the ministers were accepted. But it was too late. The revolution continued to spread, and finally on June 13 an armed company of American colonists in Texas declared for Santa Anna and the plan of Vera Cruz, and began operations against the government's garrisons there. Thus the whole coast of the Gulf of Mexico, from Tabasco to the Sabine—Vera Cruz, Tamaulipas and Texas—was in revolt. In the midst of this situation, Terán, having witnessed the collapse of all his plans, and being distressed also by family troubles, committed suicide on July 3 by driving his sword through his body.

While the revolt of the Anglo-American colonists in Texas grew out of grievances of a purely local character, it was nevertheless the expression of the same discontent which existed in other states, and of a genuine desire to remedy the evils from which the state was suffering under the policy of Alamán. The news of the defeat of Terán at Tampico and of the general revolutionary condition of the country had reached Texas early in June, just as the local troubles were coming to a head. These troubles had been occasioned by the acts of Bradburn at Anáhuac. He was a headstrong and over-

bearing man, and the fact that he was an American by birth did not add to his popularity among the settlers. He had numerous petty clashes with the settlers on the Trinity, following his high-handed action in dissolving the municipality of Liberty. He was charged with having induced slaves to run away from their masters and with having set them to work inside the fort in his personal service. He even undertook to chastise those who expressed unfavorable opinions of his acts, and finally he had arrested William B. Travis, Patrick C. Jack, Samuel T. Allen, Monroe Edwards and a number of other settlers at Anáhuac and imprisoned them in the fort. The Mexican version of the cause of these arrests is that the men were members of a mob which had tarred and feathered an American who had failed to respond to the outcries of a woman while she was being attacked by one of Bradburn's convict soldiers. Another version is that Bradburn had been made the victim of a practical joke, which was calculated to make him believe that an invasion of Texas from the American side of the Sabine was being organized, and that he suspected Travis, Jack and the others of being parties to the hoax. There can be little doubt that there was a good deal of personal spite in his action in making the arrests. But, whatever the cause, Bradburn proposed to give the prisoners a military trial and to send them out of Texas to the interior of Mexico.

William H. Jack, brother of one of the prisoners, who had recently settled in San Felipe and begun the practice of law there, went to Anáhuac and demanded that the accused men be turned over to the civil authorities of Texas for trial. Bradburn refused and Jack re-

turned to San Felipe and reported the result of his interview. He expressed the fear that the prisoners would be sent out of Texas if prompt measures were not taken. Feeling ran high, and it was agreed that something must be done. Stephen Austin was absent from Texas, being at the state capital in attendance at the legislature, to which body he had been elected. After general discussion among some of the leading colonists it was decided to organize a company and rescue the prisoners if Bradburn refused to surrender them. Messengers were sent to all parts of Austin's colony for help and a place of rendezvous was appointed. William Pettus and Robert M. Williamson were sent to the settlements above San Felipe de Austin, on the Brazos, Mill Creek and New Year's Creek; John Austin to the settlements along the lower Brazos; Wily Martin to Fort Bend; Benjamin F. Tennel and Frank W. Johnson to Spring Creek, Buffalo Bayou and Lynchburg on the San Jacinto. As a result a considerable force of armed men gathered near Liberty. Frank W. Johnson was elected captain, W. D. C. Hall, first lieutenant, and Thomas Bradley, second lieutenant. The company then marched toward Anáhuac, but had proceeded only a few miles when the advance guard encountered a party of Bradburn's cavalry. The Mexicans were taken by surprise and were made prisoners without firing a gun. Arriving at Turtle bayou, the company camped for the night, and, resuming the march next day, arrived at Anáhuac shortly before noon.

A delegation, composed of Hugh B. Johnson, alcalde of the jurisdiction of Liberty, Frank W. Johnson, Wily Martin, William H. Jack and H. K. Lewis, waited upon

Bradburn and demanded that the prisoners be turned over to the constitutional alcalde of the jurisdiction. They informed Bradburn that although they had come in considerable force and under arms, their object was peaceful, and they would not resort to force unless compelled to in order to accomplish the object of their mission. Bradburn, who already had sent out messengers to the other Mexican posts for help, made an evasive reply, saying that he had acted under specific orders from Terán, that a vote of the officers of the garrison had decided the men must stand military trial, and finally that he was now powerless to release the prisoners for he had been superseded in command by Colonel Subarán, who had just arrived. John Austin, who had obtained a written request from Colonel Ugartechea at Fort Velasco that the prisoners be released to the custody of the civil authorities, also approached Bradburn and presented this communication. But it had no effect upon him. The delegation then withdrew, satisfied that it would be necessary to use force to free the prisoners.

This took place on June 10. The colonists remained encamped within sight of the fort, but the day and night passed off quietly, save that a few shots were exchanged between scouts and sentries. The next day, June 11, was spent by the colonists in examining the approaches to the fort, and, while there was some skirmishing, it was at too great a distance to inflict any injury on either side. Meantime, schooners had been commandeered and placed in service to prevent any provisions being brought to the fort by water. On June 12, John A. Williams, on his own responsibility, called on Colonel Subarán and suggested that, inasmuch as the

colonists held a number of Mexican prisoners, an exchange be made. Subarán agreed that such a proposal would be considered and accompanied Williams to the headquarters of colonists. As a result it was arranged that Bradburn and the colonists should each appoint commissioners to fix the terms of an exchange. This was done and the commissioners met. Bradburn's representatives proposed that the Mexican cavalry held as prisoners should be released, that the colonists should withdraw to Turtle bayou, and that commissioners representing them should be left at the town of Anáhuac to receive the imprisoned Americans the next morning. There was some objection to the plan among the colonists, but finally the terms were accepted and an agreement made.

Bradburn had no intention of turning over the prisoners, but the colonists carried out their part of the compact, released the Mexican prisoners and repaired to the camp at Turtle bayou. Next morning, instead of delivering up Travis and his companions, Bradburn sallied from the fort with his full force and fired on the town. It later developed that he suspected that a force of the colonists had been hidden in some of the houses. Bradburn was playing for time, hoping to obtain reinforcements from some of the other posts in response to his call for help. The correspondence of the Mexican officers of the other posts shows that there was general alarm among them over the unpreparedness of the troops to deal with an uprising of the colonists, which the Mexicans believed to be imminent. Piedras at Nacogdoches feared that if he went to Anáhuac there would

be an uprising of the colonists at Ayish bayou. He appealed to Ruíz at the crossing of the Brazos for help, but Ruíz himself was in need of reinforcements. The garrison at San Antonio was unable to send aid, for it, too, was in a depleted condition. The joking rumors of a move for independence which had been circulated to nettle Bradburn were now taken seriously by the Mexicans. At each post, therefore, the commander felt he had enough to do to take care of himself.

When the colonists in camp at Turtle bayou became convinced that Bradburn had broken the agreement and had no intention of releasing the prisoners unless compelled by force, it was decided to attack the fort at Anáhuac. It was realized that this would be no easy undertaking without artillery, and the colonists were without any other arms but their rifles. There were two cannons at Brazoria, which had been brought there by the *Sabine* on her return trip after the skirmish with the troops on the Brazos several months before. If these could be moved to Anáhuac by water, the task of storming the fort there would be simplified. Accordingly, it was decided to send to Brazoria for the artillery.

This course, however, presented difficulties of its own. It could be expected that Ugartechea at Fort Velasco would take steps to prevent the moving of the cannon, and it was clear that the affair might thus develop into a general war between the colonists and all the Mexican soldiers in Texas. It was in this situation that the question of declaring for Santa Anna was brought up. Texas had suffered quite as much from the military despotism established under Bustamante's rule as any other state in the Mexican federation. During the previous two

years the colonists had been forced to witness the quartering of troops among them, whereas, for seven or eight years prior to 1830, when there was genuine need of protection against the Indians, no Mexican troops were to be had. Bustamante's government was the only one that had stationed garrisons in Texas, except the small force of presidial troops at San Antonio and La Bahia, which protected the frontier before the coming of the colonists. There had been invasions of the civil rights of the Texans, as had been the case in other states. The arrest of Travis and his companions and the refusal to give them a civil trial were similar to abuses which had been committed all over the republic. The colonists were in arms against these abuses, and in other states other men were in arms against wrongs of a like character. It was therefore natural that, having determined to rescue the prisoners by force and thus invite a general conflict with the Mexican troops, the colonists should decide to join their movement with those in the rest of the country. It was therefore proposed to declare for Santa Anna.

Accordingly a committee was appointed to draw up resolutions setting forth the purposes for which the colonists were taking up arms. The committee made its report, which declared unequivocally for Santa Anna, and the resolutions were unanimously adopted. The "Turtle Bayou Resolutions," as they came to be designated, were as follows:

"The colonists of Texas have long since been convinced of the arbitrary and unconstitutional measures of the administration of Bustamante, as evinced,

"1st. By their repeated violations of the constitution and laws, and total disregard of the civil and political rights of the people.

"2d. By their fixing and establishing among us, in the time of peace, military posts, the officers of which, totally disregarding the civil authorities of the state, have committed various acts evincing opposition to the true interests of the people in the enjoyment of civil liberty.

"3d. By arresting the commissioners, especially Juan Francisco Madero, who, on the part of the state government, was to put the inhabitants east of the river Trinity in possession of their lands, in conformity with the laws of colonization.

"4th. By the imposition of military force, preventing the alcalde of the jurisdiction of Liberty from the exercise of his constitutional functions.

"5th. By appointing to the revenue department men whose principles are avowedly inimical to the true interests of the people of Texas; and that, too, when their character for infamy has been repeatedly established.

"6th. By the military commandant at Anáhuac advising and procuring servants to quit the service of their masters, and offering them protection; causing them to labor for his benefit and refusing to compensate for the same.

"7th. By the imprisonment of our citizens without lawful cause; and claiming the right of trying said citizens by a military court for offenses of a character cognizable by the civil authority alone.

"*Resolved*: That we view with feelings of the deep-

est regret the manner in which the government of the Republic of Mexico is administered by the present dynasty. The repeated violation of the constitution; the total disregard of the laws; the entire prostration of the civil power, are grievances of such a character as to arouse the feelings of every freeman, and impel him to resistance.

"*Resolved*: That we view with feelings of the deepest interest and solicitude the firm and manly resistance which is made by those patriots under the highly talented and distinguished chieftain, Santa Anna, to the numerous encroachments and infractions which have been made by the present administration upon the laws and constitution of our beloved and adopted country.

"*Resolved*: That as freemen devoted to a correct interpretation and enforcement of the constitution and laws, according to their true spirit, we pledge our lives and fortunes in support of the same, and of those distinguished leaders who are now so gallantly fighting in defense of civil liberty.

"*Resolved*: That all the people of Texas be invited to cooperate with us, in support of the principles incorporated in the foregoing resolutions."

This declaration having been adopted, preparations were now made for carrying out a plan of campaign. It was decided to move the camp further up the river and away from the vicinity of Anáhuac, to establish headquarters and to send messengers to the Neches and Sabine rivers for recruits. John Austin, William J. Russell, Henry S. Brown, George B. McKinstry and others from Brazoria were dispatched to that place to obtain the two cannons and ammunition and to enlist

more men. William Pettus and Robert M. Williamson were sent to San Felipe for men also. Scouts were posted near Fort Anáhuac to keep an eye on it and report the movements of Bradburn. In a few days parties of armed men from the Neches and the Sabine began to arrive at the camp. Capt. Abner Kuykendall came from San Felipe with fifty or sixty men. Soon the force had grown to considerable strength, but it had been decided not to begin the attack on Fort Anáhuac until the cannon arrived from Brazoria. So it was that the movement in support of Santa Anna was launched in Texas.

CHAPTER XIX.

EXPULSION OF THE TROOPS.

After sending out calls for reinforcements at Nacogdoches, because of his fear that the colonists on Ayish bayou would attack the fort there, Piedras started for Anáhuac on June 20 with sixty infantry and fifty cavalry. He left about twice that number of troops at Nacogdoches and sent Col. Ellis Bean to enlist the support of the Indians. Stopping at Fort Terán, a small post on the Angelina river, he received the news that the colonists were not only demanding the release of the prisoners, but had declared also for Santa Anna and the plan of Vera Cruz. He also learned that a meeting had been held at Ayish bayou and that a force was being organized there. Fearing that an attack on Nacogdoches was imminent, he hesitated about going on to Anáhuac and decided to endeavor to conciliate the colonists. Accordingly, he camped at a point on the Trinity, about twenty miles north of Turtle bayou, and sent one of his officers and a civilian to the colonists' camp to request an interview.

Piedras had decided to do anything to avoid a conflict until more troops could be sent into Texas from the interior. His reports show that he was convinced that the real purpose of the colonists was a separation from Mexico. He regarded the declaration for Santa Anna as a mere pretext, and he decided to meet what he deemed duplicity on the part of the colonists with du-

plicity of his own. "There is no doubt," he wrote, "that the Texan colonists have plans for separating from the Mexican government, which are encouraged and promoted by Austin's men; and, as this opinion is not yet generally held, they avail themselves of pretexts to put it forward and prepare the minds of all. As the political situation of the government is excessively critical, and as it is exhausted by internal convulsions, the troops not occupied in the present revolution of Santa Anna are left without money, and no hope is afforded us of receiving early aid of any kind. And considering also the dangerous situation in which the military detachments in this department are placed—wanting in supplies and men, and scattered at such enormous distances that it is not feasible, even if they should make the greatest efforts, to give each other support—it is proper, according to my way of thinking, for us to conduct ourselves in the present circumstances with the most cautious policy." Piedras's object was to restore peace until, to use his own words, "the government is able to compel the colonists to obey the law and reduce them to the blindest obedience."

When Piedras's messengers returned they brought the information that the colonists had agreed to an interview. Then, on June 28, Capt. Frank W. Johnson, Randall Jones and James Lindsey went to the Mexican camp, and, after stating the grievances against Bradburn, received assurances from Piedras that the matter would be remedied. Johnson says that Piedras at first claimed he was powerless to act, but that during the interview he received his mail from Nacogdoches, and, after examining it, declared that he had just been noti-

fied of his promotion and that he would gladly release the prisoners. In any event, Piedras appointed commissioners and an agreement was drawn up and signed.

By the terms of this compact, Piedras agreed that the prisoners should be released to the civil authorities at Liberty, that the ayuntamiento at Liberty should be re-established, that he would ask Bradburn to resign his command to some other officer, that if Bradburn refused he would file complaint against him with the commandant of the department, that the colonists should be free to file a similar complaint of their own, and that owners of property confiscated by Bradburn would be reimbursed. On their part the colonists agreed to the following article:

"As soon as these articles are ratified by Señor Piedras, the force of the inhabitants, which has collected, shall disperse to their homes to busy themselves with their private occupations, and none shall continue hostilities."

That was the object Piedras was seeking to attain, and the colonists encamped on Turtle bayou, anxious to have the prisoners released, decided to abandon the cause of Santa Anna and to agree to these terms. But Piedras was too late. For, on the same day that he ratified this agreement, June 29, Ugartechea surrendered Fort Velasco to John Austin and a company of colonists fighting under the banner of Santa Anna.

John Austin and his companions from the Turtle bayou camp had gone directly to Brazoria and called a meeting of the colonists at that place. He laid before the meeting the resolutions declaring for Santa Anna, and a committee, consisting of Edwin Waller, W. J. Russell, Thomas Westall, J. W. Cloud and P. D. Mc-

Neil, was named to consider the question of joining in the war and report back. The unanimous decision was for war and John Austin was elected captain, with W. J. Russell second in command. On June 23 a delegation of four of the colonists called upon Colonel Ugartechea at Fort Velasco and demanded that he declare for Santa Anna and permit the removal of the artillery from Brazoria to Anáhuac, informing him that in the event of refusal the fort would be stormed. Ugartechea refused, and preparations were made for an attack.

The artillery at Brazoria was placed upon a schooner, called the *Brazoria*, in honor of the town, and on the evening of June 25, manned by volunteers under command of Russell, the schooner started down the river toward the fort, some twenty-five or thirty miles distant. At the same time, John Austin and his company started by land. The plan was for the schooner to take up a position in the river opposite the fort and begin bombardment with the artillery, thus occupying the attention of those in the fort, while Austin approached by land, under cover of darkness, and threw up breastworks near enough to the fort to be out of the range of a nine-pounder, which was mounted in such a way as to make it useless at short range. It was figured that by working all night an embankment could be constructed before daylight that would afford protection to the men. In order further to divert the attention of the garrison from this operation, Capt. Henry Brown and a detachment of men were to take up a position on the southeast side of the fort, concealed by driftwood, and open fire.

The plan was carried out in every detail, and the

schooner and Captain Brown kept up such a constant fire that Ugartechea was unaware that anything else was happening. But along about midnight, before the breastworks had been completed, one of John Austin's men, who had disobeyed his orders that all rifles should be unloaded, fired a shot at the fort and thus disclosed their presence to the Mexicans. The garrison immediately turned its attention to this new point of attack, and opened a deadly fire, killing and wounding several of Austin's company. It is said that the man who fired at the fort in disobedience to orders was one of the first killed. Austin held his ground, however, reserving his fire until daylight. Then the colonists poured a rain of rifle shots into the garrison with such deadly effect that soon there was very little response from the fort. About 8 o'clock, however, a heavy rainstorm came up and put a stop to operations. Austin's men withdrew, he and a number of volunteers joining Russell on the *Brazoria.*

The schooner had now been reduced to only sufficient ammunition for the artillery to repel a boarding attack, should one be attempted, but a constant rifle fire was kept up to impress the Mexicans with the fact that the fighting was not over. Finally, about 10 o'clock, Ugartechea hoisted a white flag over the fort and presently two officers were seen approaching the vessel, also displaying a white flag. Captain Austin dispatched Russell and William H. Wharton to meet them. Ugartechea offered to withdraw from the fort and leave Texas, provided his men were permitted to retain their arms and ammunition, and were supplied with means of transportation. The colonists at first demanded that the Mexicans surrender their arms, but finally an agreement was

reached and the terms of capitulation signed on June 29. Ugartechea and his officers were required to agree "not to return to take up arms against the expressed plan above cited—formed under the orders of General Antonio López de Santa Anna, and by the garrison of Vera Cruz." The Mexican garrison then marched away overland to Matamoros. The Mexicans lost five killed and sixteen wounded, and the colonists seven killed and fourteen wounded.

Hearing of these events, Piedras was anxious to get his business at Anáhuac completed and return to Nacogdoches before something of the same kind happened at that place. He promptly carried out his agreement with the colonists, obtained Bradburn's resignation, released Travis and his companions to the custody of the alcalde of Liberty, and after spreading the report that Bradburn had fled from the fort and was no longer there, returned to Nacogdoches. Bradburn was still in the fort, however, though the command had been turned over to Second Adjutant Juan Cortina, with instructions to turn it back to Bradburn in the event he found the men insubordinate. Piedras left orders for Subarán to follow him to Nacogdoches in a few days.

When Piedras arrived at Nacogdoches he found that while the colonists at Ayish bayou had organized for an attack on the garrison, they were deterred from undertaking it because of their fear of the Indians. Bean had been among the latter, and apparently they had agreed to join the Mexicans in repelling an attack should one be undertaken. But it was plain that the trouble was not over in that quarter, and Piedras decided that he had no choice but to play a conciliatory game until more

troops could be sent from the interior to Texas. But there was more trouble in store for him. On the night of July 11 the garrison at Anáhuac revolted and declared for Santa Anna. Cortina attempted to avert this by turning the command back to Bradburn, but the men demanded that Subarán be made their commander. On July 13 six Mexican officers, led by Cortina, made their escape and sought the protection of the alcalde at Atascosito, and the next night Bradburn escaped across the Sabine, and made his way to New Orleans. In his report to the Mexican government, Bradburn said that he met an armed force of Americans crossing the Sabine on their way to join the colonists. The troops of cavalry at Anáhuac left about the same time to join the revolutionists in Tamaulipas, while the infantry and artillery remained until they could obtain transportation by water to Tampico or Vera Cruz.

Piedras's strategy, therefore, had accomplished nothing. He might just as well have remained at Nacogdoches, for now both Anáhuac and Velasco, the two Texas ports, were in the hands of adherents of Santa Anna. Austin's colonists, however, had disbanded their forces, and while the political chief, Ramón Músquiz, had hastened to San Felipe and called upon the authorities there to put down the rebellion, he was compelled to accept the situation as a restoration of peace. Peace had not been restored in the district around Nacogdoches, however, and Piedras was well aware of it. Only doubt as to the attitude of the Indians was holding them back.

Meantime, the news had gone into the interior that the American colonists in Texas were in revolution with

the purpose of separating from Mexico. Stephen Austin heard it at the state capital, and while he did not believe the report, he obtained a leave of absence and started home. Col. José Antonio Mexía, an adherent of the Santa Anna movement, who was on his way to reduce Matamoros and then to proceed to Texas and obtain control of it for Santa Anna, heard the report also when he reached Matamoros. Instead of attacking the town, he made a compact with Col. José Miriano Guerro, the commandant at Matamoros, by which it was agreed that Mexía would go to Texas and put down the revolution of the colonists. After protecting the territory of their common country they would then settle their political differences. If the integrity of the national domain was threatened, all Mexicans should stand together. Just before Mexía started for Texas with a squadron of five vessels and four hundred soldiers, however, Stephen Austin arrived at Matamoros on his way home. Learning Mexía's purpose, he assured him that the report that the colonists were seeking to detach Texas from Mexico was certainly incorrect, and that, whatever troubles might exist among them, dismemberment of Mexico would not be found to be their purpose. Mexía proposed that Austin accompany him to Texas, and Austin gladly accepted the invitation.

Mexía and Austin set sail from Brazos Santiago on July 14, the same day that Bradburn escaped from Anáhuac, and they arrived at the mouth of the Brazos two days later. Austin went ashore and immediately proceeded to Brazoria, where he reported the presence of Mexía and his squadron at the mouth of the river and the object of his visit. A committee from Brazoria

went aboard the brig of war, *Santa Anna*, where Mexía awaited Austin's return, and informed him that the revolt was in the interest of Santa Anna and the *plan* of Vera Cruz. Mexía was delighted with this news, but expressed the wish that he might receive official notification of it. Accordingly he addressed a letter to John Austin as alcalde of Brazoria, enclosing a copy of his agreement with Guerro, and asking that such notification be given him.

"This document," he wrote, referring to the agreement with Guerro, "will inform you of the motives which brought me to Texas, and what would have been my course had the late movements here been directed against the integrity of the national territory. But if, as I have been assured by respectable citizens, the past occurrences were on account of the colonists having adhered to the *plan* of Vera Cruz, and I am officially informed of that fact in an unequivocal manner, you can in that case apprise the inhabitants that I will unite with them to accomplish their wishes, and that the forces under my command will protect their adhesion to said *plan*."

John Austin immediately collected all the documents connected with the revolt, including the Turtle bayou resolutions, the resolutions of the citizens of Brazoria and the terms of capitulation signed by Ugartechea at Fort Velasco, and on July 18 dispatched a reply to Mexía, by a committee representing the citizens of Brazoria. He wrote that the documents "contain our true sentiments and will serve as an answer to your official letter to me."

"The enemies of Texas," he wrote, "the enemies of

the enterprising men who have devoted their time and labors to improve a country that was never before trod by civilized men, have taken pains and are continually doing it, to attribute to us a disposition to separate from the Mexican confederation. We have not entertained and have not any such intention or desire. We are Mexicans by adoption, we are the same in heart and will so remain. If the laws have granted to us the honorable title of citizens, we wish that title should be respected, and that the authorities established by the constitution of the state shall govern us. We are farmers and not soldiers, and therefore desire that the military commandants shall not interfere with us at all. Since 1830 we have been pretty much governed militarily, and in so despotic a manner that we were finally driven to arms, to restrain within their limits the military subalterns of the general government. We have not insulted the flag of our adopted country, as has been falsely stated by our enemies, but on the contrary we have defended and sustained its true dignity, and attacked those who have outraged it by using it as a pretext for their encroachments upon the constitution and sovereignty of the state of Coahuila and Texas, and as a cover for their baseness and personal crimes."

The letter then went into a circumstantial account of what had taken place, and submitted a return of the killed and wounded in the battle of Velasco.

"This, sir, is what passed," it continued. "I hope it will be sufficient to convince you that these inhabitants have not manifested any other desire or intention than to unite with General Santa Anna to procure the establishment of peace in the republic, under the shield of

the constitution and laws—and that the sovereignty of the states shall be respected. It is a matter of pride and congratulation to me that you have come to this place to see, with your own eyes, the rectitude of our sentiments, and that it has afforded us the opportunity of presenting to you our respects; and the assurances of our hearty cooperation in the great and glorious cause which is so nobly advocated by our distinguished commander-in-chief, General Santa Anna."

Colonel Mexía was satisfied, and accepted the invitation of the colonists to remain with them a few days in order that they might be afforded the opportunity to honor him in appropriate fashion. A banquet was given in his honor, at which toasts were drunk to Santa Anna and the constitution, and incidentally, a toast to full statehood for Texas. There was a ball, the most elaborate in the history of the colony, and in many other ways the colonists lavished their hospitality upon Mexía. He was charmed with the Anglo-Americans and altogether convinced of their loyalty. He sailed from the mouth of the Brazos on July 23, after having spent a delightful week, bearing many messages of good will to his chief. As his squadron sailed past Galveston bay, the infantry and artillery of the garrison at Anáhuac were just putting out to sea on their way to join Santa Anna at Vera Cruz, and the two parties greeted each other with cheers for the revolutionary chieftain.

Mexía proceeded to Matamoros, took possession of the town, and after obtaining supplies and ammunition, went to Tampico to report to General Moctezuma. Not finding him there, for Moctezuma had gone to the interior, he sailed with his whole force for Vera Cruz,

where he joined Santa Anna and, as shall be seen, participated in some of the most important events of the revolution.

Four days after Mexía left Brazoria, the ayuntamiento at San Felipe passed an "act" formally adhering to the *plan* of Vera Cruz, but also setting forth certain declarations of its own with respect to conditions in the Mexican republic. Two of these declarations were of particular significance in that they dealt with questions which so far had not been touched upon in public pronouncements of the colonists. One specifically condemned, for the first time, the law of April 6, 1830, and the other called upon Mexico to change its whole military policy, by reducing the army to a genuine peace basis, and thus create the conditions absolutely necessary for the maintenance of a federal republican form of government as contemplated in the constitution of 1824.

"The measures of the administration since 1830," read the first, "have been directed to embarrass and retard immigration from foreign countries, rather than promote and encourage it; thus paralyzing the advancement of the nation, and preventing the settlement of its uninhabited lands, to the evident injury of the national prosperity."

The second of these two declarations went to the very root of Mexico's failure to maintain a federal republican form of government. It declared:

"A large standing army is totally unnecessary for national defense, in the present state of friendly relations between Mexico and all foreign powers except Spain, which latter, it is well known, is too impotent to attack her; . . . such an army is a burden to the people and

consumes the revenue of the nation without any benefit; . . . it endangers the national liberty and is continually disturbing the public tranquillity by affording the means of committing and defending despotic acts and producing revolutions."

The ayuntamiento declared "that conciliatory measures ought to be adopted to put an end to the present civil war on a basis that will effectually guarantee the security and rights of all persons who have taken part on either side and prevent the recurrence of similar difficulties by adapting the laws and the administration of the government to the genuine principles of the federal republican system."

The Anglo-American colonists in this act were speaking out as citizens of the Mexican republic. They were speaking as citizens genuinely concerned about the welfare of their adopted country and pointing the true road to progress and peace. The act declared that the colonists would be "at all times ready to take up arms in defence of the independence and constitution of their adopted country and the integrity of its territory." They were loyal citizens of Mexico, but they had the concern for Mexico's welfare which true citizens ought to have, and through the regularly constituted agency—the ayuntamiento—they took occasion to address the authorities immediately superior to them and to urge a consideration of these weighty subjects. For the act concluded with a resolution that "a copy of this act shall be transmitted to each ayuntamiento in Texas, and to the chief of the department of Béxar, to be forwarded to the Governor of the state, in order that his excellency may be pleased to use his influence with the legislature,

whom we respectfully petition to take under consideration the principles expressed in said act, and to adopt such measures as in their judgment will tend to restore the tranquillity of the confederacy, and protect the rights of the state."

These principles can hardly be said to be precisely the principles that were represented by Santa Anna. The truth is that Santa Anna himself was devoid of principles, and in time this was abundantly demonstrated. But the declaration of the ayuntamiento of San Felipe had much in common with the ideas which animated Gómez Farias, who was the real leader of the revolt of the states of Zacatecas and Jalisco—the movement of "legitimacy." That movement proposed to have Pedraza serve out the unexpired term for which he was elected in 1828, not through any love for Pedraza, but because he had been legally elected in a peaceful election. The term would expire on April 1, 1833, and the movement of "legitimacy" proposed that an election should be held in the meantime to name his successor. Thus the slate would be wiped clean, and orderly democratic procedure substituted for violence. Gómez Farias advocated the reduction of the army to a peace basis, the abolition of capital punishment for political offenses, the separation of the civil government from the influence of both the army and the clergy and the maintenance of a genuine federal republican form of government. The revenue which was being wasted on a large standing army he proposed to expend in establishing a system of universal education. The program which Austin's colonists recommended to the legislature of Coahuila and Texas,

therefore, was practically the same, at least in spirit, as that which already had been put forward by the legislatures of Zacatecas and Jalisco. It was not merely a protest against the evils from which they had suffered in Texas, but a proposal to eliminate the causes of those evils, not only in Texas, but throughout the republic.

This action had hardly been taken by the ayuntamiento of the jurisdiction of Austin, when the Nacogdoches ayuntamiento declared boldly for Santa Anna. In making this move, however, the members of the Nacogdoches body confined their complaints to the local manifestations of the military and unconstitutional policy of the government. They declared that they, "as the constituted civil authority," had been "overawed by the military commander of the frontiers, Colonel José de las Piedras, until longer forbearance would become a crime, by exposing to his unconstitutional wishes the lives, interests and peace of our fellow citizens."

The resolution was in the form of a Macedonian cry to the inhabitants of Ayish bayou to come over and help them. "We do make a solemn pledge one to another and to you all," it declared, "that we will rally around the standard of Santa Anna as the champion of our freedom; and that we will risk our lives and properties in support of the constitution and laws—of our rights and liberties." It proposed that the organized force at Ayish bayou should move against the garrison at Nacogdoches and raise that standard. Accordingly the resolution was dispatched to John W. Bullock, who had been elected commander by the inhabitants of Ayish bayou.

When Bullock received this communication from Nacogdoches, he decided to wait no longer, Indians or no Indians. Chief Bowles and about sixty Cherokees were in the neighborhood, and Bullock sent for them and informed them he was about to attack the garrison. He explained at length the reasons for this action, and called upon Bowles to keep out of the trouble. Bowles declared that Piedras had deceived him and told him many lies, and promised to remain neutral. Bullock therefore marched against Nacogdoches on August 1.

Arriving at a point near the town, Bullock encamped and sent a delegation, composed of Isaac W. Burton, Philip Sublett and Henry Augustine, to call upon Piedras and present the formal demand that he declare for Santa Anna. Piedras received the colonists courteously, but refused to comply with the demand. When Bullock received news of this he prepared for the attack. Next day, August 2, he marched his force into the town and, after repulsing the Mexican cavalry, who made a dash from the old church which served the Mexicans as a fort, he proceeded to occupy the "old stone fort" and two or three other buildings facing the plaza. Thus entrenched, the colonists kept up a constant rifle fire against Piedras's position, picking off every Mexican who showed himself. This was kept up all afternoon. Just before nightfall, the Mexicans made a sortie across the plaza, evidently with the intention of dislodging the colonists from their position. But Bullock's men met them with a rifle fire of such effectiveness that they were driven back with considerable loss. Bullock then began preparations to storm

the stronghold of the Mexicans at daylight next day, intending to work all night with this object in view.

But Piedras did not propose to wait until daylight. He realized that there was no hope of reinforcements, and that evidently the Indians, upon whom he had depended for help in just such a contingency, had failed him. To make his situation worse, he discovered that there was much sentiment for Santa Anna among his men, and he feared a mutiny if a prolonged defense of his position were attempted. Accordingly he decided to decamp during the night. He had his men take such ammunition as they could conveniently carry, then dumped the rest of it into the wells inside the enclosure around the church and, leaving his stores and his dead and wounded behind, quietly withdrew and began a retreat toward San Antonio.

This movement of Piedras was discovered some time after he had left and, while the evacuation itself was a victory for the colonists, some of them proposed to attempt to cut off his retreat. A small company of volunteers, therefore, made a hard ride to the crossing of the Angelina river, about twenty miles away, hoping to beat Piedras to that point. They arrived in plenty of time to arrange an ambush, and settled down to give the Mexicans a warm reception. When the latter arrived and started to cross the river, the colonists opened fire. The Mexicans were taken completely by surprise, and very naturally believed that the whole force of the colonists had surrounded them. The force against them, as a matter of fact, consisted of only a few men, but Piedras, thinking his retreat was completely cut off, and knowing the feeling of his men,

hurriedly resigned his command to Maj. Francisco Medina. Medina immediately declared for Santa Anna.

In the fighting in Nacogdoches the colonists lost three men killed, including the Mexican alcalde of the district, Encarnación Chirino, and five wounded. The total Mexican loss was reported as forty-seven killed and as many wounded. The Mexican troops were sent to San Antonio, in the custody of Col. James Bowie, who happened to be in Nacogdoches at the time and offered his services, and Piedras was sent to Velasco, with Asa M. Edwards as an escort. From there he was permitted to return to the interior of Mexico.

Thus the colonists in Texas were freed at last of the presence of Mexican troops. Colonel Ruíz, at the crossing of the Brazos, and the small Mexican force at Terán did not wait to be driven out, but retreated to San Antonio without delay. The military occupation of Texas, which Terán had so eloquently advocated, was at an end, and Terán was sleeping in a suicide's grave. The law of April 6 was still nominally in force, but there was nobody to stop Americans from coming to Texas as they pleased, and Alamán, the author of the worst features of the law, had been compelled to retire from the cabinet, while Bustamante was making a desperate fight to retain his power.

However, the condition of Texas was very unsettled, and there was need of a program of action for the future. Reports were being spread throughout Mexico that the colonists were planning independence, and that the expulsion of the troops was part of their move in that direction. The victory the Texans had achieved

would be an empty and futile one if the national government, acting in the fear of losing Texas, should take steps to send a larger force of troops among the colonists as soon as conditions in the rest of the republic permitted. The question of their future presented itself to the colonists as one of gravity and immediate importance. In this situation, therefore, the ayuntamiento of the jurisdiction of Austin decided that a general convention of all of Texas was necessary. To this end a call, signed by the two alcaldes of the district, was issued on August 22 fixing October 1, 1832, as the date of the convention and San Felipe as the meeting place.

The chief reason for the call, as announced in its text, was the need of unity. So far the various districts had acted separately and without general concert, thus exposing Texas to the danger of confusion. "The late occurrences," it declared, "have been grossly misrepresented by the enemies of Texas, and efforts have been made, and are continually making, to prejudice our fellow citizens in other parts of the Mexican Republic against the people of Texas, by circulating reports that the object of the late events was to declare this country independent of Mexico, which is absolutely false and without any foundation in truth." The truth with respect to this and many other subjects connected with the welfare of Texas ought to be laid before the constitutional authorities of the Mexican nation, the call declared.

"These considerations of safety to ourselves, respect for the character of the people of Texas, the motives which have influenced them, and the sanctity of the

cause of the Constitution, as proclaimed in Vera Cruz, which we have espoused," it concluded, "have induced the civil authorities of the municipality of Austin to recommend that the people of Texas should be consulted at this important crisis."

The call was greeted with approval throughout the Anglo-American settlements in Texas, and during the month of September elections were held to name delegates to the convention. It was the first time anything of the kind had been done, and it was not known how the Mexican authorities would regard it. But it was so important that there should be unity of purpose and general cooperation among the various settlements that the danger of being misunderstood had to be risked.

While these events were taking place in Texas, the revolution was progressing with varying fortune in other parts of the Mexican republic. On July 5 the garrison at Vera Cruz, under pressure from the leaders of the Zacatecas and Jalisco revolts, amended their original *plan* by declaring formally for the restoration of "legitimacy" and proclaiming Pedraza the legal president of the country. Thus all the movements now had a common aim. On August 3 Moctezuma defeated Colonel Otero at Pozo de los Carmelos and then marched without opposition into San Luis Potosí. This alarmed the government to such a degree that congress, which had previously refused to vote permission to Bustamante to take the field, hurriedly reversed this decision and Bustamante made preparations to move against Moctezuma. On August 7 congress elected General Melchior Múzquiz president *ad interim*. Four days later the state of San Luis Potosí retaliated by declaring

Pedraza, who was returning from his exile, to be the rightful executive of the nation and the only one to be obeyed. Múzquiz was installed on August 14, and announced his cabinet within a week. Bustamante, meantime, was organizing a force and marching to meet Moctezuma. On September 18, Bustamante met Moctezuma at Puerto del Gallinero and administered a crushing defeat to the rebel leader. Then the next day he resigned from the office of vice-president, leaving Múzquiz in charge of the government as president *ad interim*.

During all this time Santa Anna had remained at Vera Cruz, gathering together troops from all along the coast and putting his army in shape for a campaign. The arrival of Mexía and his troops from Texas and the members of the garrison from Anáhuac had greatly strengthened his forces, and Mexía brought a quantity of supplies and ammunition from Matamoros. By the end of September Santa Anna was ready to resume the offensive again, and in order to revive the spirits of his men, who had been much discouraged by the news of Moctezuma's defeat by Bustamante, he now moved against Facio, who was just then crossing the heights of Maltrata. Facio's forces were divided into two detachments, one under Gen. Antonio Azcárate and the other commanded by himself. On September 29 Facio was at Chaltepec and Azcárate in the town of San Augustin del Palmar. Santa Anna, in accordance with a well-laid plan, made a feint against Facio, thereby engaging his attention, while he sent a larger force of troops under Méxia and Jarero against Azcárate. The

movement was completely successful, for Mexía and Jarero routed Azcárate's forces and Facio then fled from the field.

Santa Anna was marching from the scene of this victory to Puebla at the same moment that Bustamante was entering San Luis Potosí in triumph. The issue would have to be decided between these two victorious armies before the future of the republic could be determined. Affairs were in this state when the Anglo-American colonists in Texas gathered in San Felipe de Austin, on October 1, for the first convention of its kind ever held on Mexican soil.

CHAPTER XX.

TEXAS ASKS FOR STATEHOOD.

Fifty-six delegates, representing sixteen districts, assembled at San Felipe de Austin on October 1 in response to the call for the first convention held in Texas. Every section of the Anglo-American settlements was represented by its leading men. San Antonio failed to send delegates, but Goliad (La Bahía) responded, though its delegates arrived too late for the proceedings.

When the roll was made up, the districts represented and the delegates present were found to be as follows:

San Felipe de Austin—Stephen F. Austin, F. W. Johnson, Wily Martin and Luke Lesassier.

Brazoria (called the district of Victoria)—George B. McKinstry, William H. Wharton, John Austin, Charles D. Sayre.

Mina (Bastrop)—Ira Ingram, Silas Dinsmore, Eli Mercer.

Hidalgo—Nestor Clay and Alexander Thomson.

San Jacinto—Archibald B. Dobson, George F. Richardson, Robert Wilson.

Viesca—Jared E. Groce, William Robinson, Joshua Hadly.

Alfred—Samuel Bruff, David Wright, William D. Lacy, William R. Hensley, Jesse Burnam.

Lavaca—William Menifee, James Kerr, George Sutherland, Hugh McGuffin, Joseph K. Looney.

Gonzales—Henry S. Brown and C. Stinnett.

Mill Creek—John Conell and Samuel C. Douglas.

Nacogdoches—Charles S. Taylor, Thomas Hastings, Truman Hantz.

Ayish Bayou—Philip Sublett, Donald McDonald, William McFarland, Wyatt Hanks, Jacob Garret.

Snow (Neches) River—Thomas D. Beauchamp, Elijah Isaacs, Samuel Looney, James Looney.

Sabine—Benjamin Holt, Absalom Hier, Jesse Parker.

Tenaha—William English, Frederick Foye, George Butler, John M. Bradly, Jonas Harrison.

Liberty—Patrick C. Jack, Claiborne West, James Morgan.

John Austin, as one of the two alcaldes signing the call, opened the convention with a short address, setting forth the purpose of the gathering. "The revolution which commenced at Vera Cruz, on the second of January last, under the command of General Santa Anna," he said, "reached this remote section of the nation, and movements of a warlike character have taken place—the consequence of which has been that the military garrisons have been compelled to quit the country. These movements have been greatly misrepresented by the enemies of Texas, and have been attributed to objects entirely different from the true ones. It was, therefore, considered to be highly important to the interests of Texas, and of the Nation, to counteract these misrepresentations by a plain statement of facts; and that a decided declaration should be made by the people of Texas, convened in general convention, of our firm and un-

shaken adhesion to the Mexican Confederation and Constitution, and our readiness to do our duty as Mexican citizens."

The speaker said that the second matter that should be considered was the provision of the law of April 6, 1830, which excluded American colonists from Texas. This measure, he declared, had entirely paralyzed the advancement and prosperity of Texas, and exposed it to the ignominy of being filled with bad and useless population.

"The law," he continued, "also severs families and friends, by preventing a removal to this country of many who remain behind in the United States, and for whose reception in this country preparations had been made by their relatives and friends, who came out as pioneers for that purpose. This point was deemed by the alcaldes to be one of sufficient importance to be noticed in a memorial to the government, by a convention of Texans, praying for a repeal or modification of that article."

He then cited the unsettled and uncertain condition of "the land business" in the eastern portion of Texas, where settlers were still without titles, and the prohibitive import duties imposed on necessities of the colonists which could not be procured except from the United States, as proper subjects to consider.

"These four topics," he said, "embrace all that the alcaldes had in view at the time of making the request for this convention. It is considered by us that it is the duty of the people of Texas to lay their situation before the general government in order that such legislative aid may be afforded as the general good of the

nation, and of Texas, may require; and to accompany it with a firm declaration of our unshaken allegiance to the Mexican constitution and nation."

Stephen F. Austin was elected president of the convention over W. H. Wharton by a vote of thirty-one to fifteen, and F. W. Johnson was made secretary. After a short address by Stephen Austin on the object of the convention, and the appointment of two committees—one on the law of April 6, and the other on the tariff—the convention adjourned for the day. On the second day four other committees were appointed, (1) to draw up the proper memorials with respect to land titles in the eastern part of Texas, (2) to propose a plan for the protection of the frontiers against Indian depredations, (3) to report on a method of handling the customs of Texas until such time as the national government should appoint collectors, and (4) to petition the state government for a donation of land for the purpose of creating a fund for the future establishment of primary schools. The convention was moving along harmoniously and getting down to work.

It was on the third day that the sensation of the convention came. On that day William McFarland of Ayish bayou electrified the delegates by introducing a resolution providing that a committee, consisting of two delegates from each district, be appointed, to report on the expediency or inexpediency of petitioning for a state government of Texas, separate from that of Coahuila. Nestor Clay of the district of Hidalgo demanded that the resolution be put to an aye and no vote. There were those who believed that the adoption of such a resolution would defeat the whole purpose of the con-

vention and would be misinterpreted by the Mexican authorities as a move in the direction of independence. John Austin was among these. But when the roll was called it was found that the resolution had been adopted by the overwhelming vote of thirty-six to twelve—three to one.

Those who voted against the move as premature were John Austin of Brazoria, George Butler of Tenaha, Jesse Burnam of Alfred, Nestor Clay of Hidalgo, A. B. Dobson of San Jacinto, Jared E. Groce of Viesca, Wily Martin of San Felipe, George F. Richardson of San Jacinto, William Robinson of Viesca, George Sutherland of Lavaca and Alexander Thomas of Hidalgo. Only one delegation, that of Hidalgo, voted solidly against the resolution.

Sentiment in favor of separate statehood for Texas had been growing for some time. One of the toasts at the banquet given at Brazoria to Colonel Mexía had been, "Coahuila and Texas—they are dissimilar in soil, climate and productions; therefore they ought to be dissolved." The constitutional act of May 7, 1824, by which Texas was joined to Coahuila as a state in the federal union, provided specifically that Texas should be made a separate state as soon as it "possessed the necessary elements." It provided that when such time arrived Texas should "inform congress thereof, for its resolution." The joining of Texas to Coahuila, therefore, was recognized as provisional and temporary. For some time, due to the increase of the Anglo-American population of Texas, the dependence upon Coahuila had become irksome to Texas. It was a dependence, for Texas had only two members in the state legislature,

and any legislation for its benefit was in the nature of a gift from Coahuila. Indeed, certain legislation passed by the legislature was absolutely unworkable in Texas, and the Texans had no choice but to violate it. The most flagrant instance of this was a state law prohibiting all but native-born Mexicans from engaging in business as merchants. The Texans did not pretend to comply with this law, and the state authorities did not pretend to enforce it in Texas. Moreover, the neglect of land titles, the obstacles in the way of the administration of justice and many other abuses were traceable directly to the connection with Coahuila. The capital of the state was nearly a thousand miles away from some of the American settlements, and the inhabited portion of Coahuila was separated from Texas by an uninhabited waste. All the settlers looked forward to the time when Texas would be a separate state, and this hope was shared by the Mexicans at San Antonio and Goliad.

But because of the reports which had gone over the republic, and which were generally believed, that the Anglo-Americans were seeking to detach Texas from Mexico altogether, it was thought by some that the time was inopportune to put forward the claim for statehood. Indeed, as has been seen, one of the chief reasons for calling the convention was the necessity of obtaining concerted action among the colonists in denying these reports and of reaffirming the loyalty of the colonists to the Mexican republic. It was this which prompted some delegates to vote against the resolution, and which caused many of the colonists afterwards to criticize the action of the convention.

However, the action having been taken, in order to

insure unanimity all of the delegates who voted against the resolution were named among the members of the committee to draw up the memorial. Then the report was submitted to a select committee, consisting of McFarland, Wharton, Lesassier and Stephen F. Austin, for revision.

It is unnecessary to go into all the resolutions of the convention in detail. All of the subjects enumerated were covered adequately, and resolutions on other subjects were adopted, among the latter being a memorial to the state government for a grant of land to the North American Indians, recently migrated to Texas, so as to remove the anxiety evinced by them. The memorial on the law of April 6, 1830, and that on the question of statehood were the most important.

W. H. Wharton was chairman of the committee on the law of April 6 and he brought in a report in the form of a memorial which also covered the purpose of the convention to reassure the authorities on the loyalty of the colonists. It reviewed the history of the colonization movement and cited the action of the colonists in putting down the Fredonian disturbance as the highest proof of their loyalty. It pointed out the humiliating character of the law of April 6 in admitting immigrants into Texas from every country in the world except the relatives and friends of the colonists. In spite of this and the many inconveniences which the law caused the colonists, they remained tranquil. "As peaceful citizens we submitted," it read. "The wheels of government were not retarded in their operation by us. Not a voice nor an arm was uplifted. We had confidence in the correct intention of the govern-

ment, and we believed and hoped that when the momentary excitement of the day had subsided, a returning sense of justice and liberality would give this law a brief duration."

The memorial then took up the matter of the colonists' action in espousing the cause of Santa Anna, and denied that these disturbances in any way reflected the slightest disloyalty to Mexico or the constitution.

"Would it not have been easy," it asked, "to have taken advantage of the troubles in the interior, and to have battled for independence? Was there ever a time more opportune and inviting? Why did we not then declare for independence? Because in the honest sincerity of our hearts, we assure you, and we call upon Almighty God to witness the truth of the assertion, we did not then, and we do not now, wish for independence. No, there is not an Anglo-American in Texas whose heart does not beat high for the prosperity of the Mexican Republic; who does not cordially and devoutly wish that all parts of her territory may remain united to the end of time; that she may steadily and rapidly advance in arts, arms, agriculture, commerce, manufactures, and in learning; in virtue, freedom and all that can add to the splendor and happiness of a great nation."

As evidence that the Anglo-American colonists did not wish for independence, nor for "coalescence with the United States of the north," the memorial made specific reference to the efforts of the United States to acquire Texas. "A short time since," it read, "it was rumored among us that the President of the United

States of the north expressed a determination to make the Neches river instead of the Sabine the line between th two republics. This hitherto unheard of claim provoked the indignation of every inhabitant of Texas, and our constituents have with one voice called upon us to memorialize your honorable bodies on the subject of the injustice of such a demand."

In pointing out that the national interest required the repeal of the law of April 6, the memorial reverted to the very arguments which had brought about the colonization policy in the first place, citing practically the same considerations which had brought Moses Austin to Texas in 1820. "Can the resources of Texas be properly developed with this law hanging over it?" it asked. "We believe not. We believe under such circumstances it would remain the comparative wilderness it now is. Experience shows that native Mexicans will not settle it; but should they do so it would not augment the physical force of the nation, for it would only be taking population from one part of the republic to place it in another. Will Europeans settle it? We believe Europeans of the right description, to benefit the country, will not, for many reasons. Our hopes then for the development of the resources of Texas are naturally turned to the United States of the north."

It was a call to congress to return to the original colonization policy of the republic, the policy which Stephen F. Austin had had so much to do with shaping. "When all these things are considered," it concluded, "we can but believe that the former characteristic

justice and liberality of your honorable body will return to our aid, and bring about an immediate repeal of this, to us, ever to be deprecated measure."

The memorial on the subject of statehood set forth that the petitioners believed that the separation of Coahuila and Texas was indispensable to their mutual happiness and prosperity, and that ultimately such division would produce the most happy results to the Mexican republic.

"Coahuila being so distant from the population of Texas," it said, "and so widely variant from it in interests, the rights and wants of the people of Texas can not be properly protected and provided for under the present organization, admitting the several departments of the Government of the State to be prompted by the utmost purity of intention, in their efforts for the administration of justice.

"Coahuila and Texas are dissimilar in soil, climate, and productions, in common interests, and partly in population—the representatives of the former are numerous and those of the latter few, in consequence of which any law passed peculiarly adapted for the benefit of Texas has only to be the effect of a generous courtesy. Laws happily constructed for the benefit of Coahuila, and conducive to its best interests, might be ruinous to Texas—such are the conflicting interests of the two countries."

For these reasons and for many others which, the memorial said, congress would readily conceive, the colonists respectfully asked that "that part of the Mexican republic known by the name of Texas shall

become a separate state of the Confederacy, to be placed on an equal footing with any of the states of the Union."

After adopting the reports of the various committees, the convention appointed William H. Wharton to go to the state capital and to Mexico City and present the memorials to the state and national governments. It then created a permanent central committee and a number of local committees of correspondence in the different districts. F. W. Johnson was named chairman of the central committee, with J. B. Miller, Stephen F. Austin, L. L. Veeder, Robert Peebles, Wily Martin and William Pettus as members. This committee was empowered to call another convention should that be found advisable. The convention then adjourned, having been in session six days.

The delegates from Goliad arrived shortly after the adjournment of the convention, but when they were informed of the various matters acted upon they approved them all, including the petition for statehood. Whereupon the central committee named Rafael Manchola, of the Goliad delegation, to accompany Wharton to Mexico City.

It was the desire of the Anglo-Americans that the program adopted should have the support of all of Texas, and not merely the colonists. The failure of San Antonio to send delegates was a disappointment, and the convention instructed the standing committee to communicate with the ayuntamiento of Béxar with the object of obtaining its fullest cooperation. In accordance with these instructions F. W. Johnson, as chairman of the central committee, wrote a full ac-

count of the proceedings to the ayuntamiento of Béxar. "It was the earnest wish of the convention," Johnson wrote, "that some suitable person, either from Béxar or Goliad, should accompany the delegate from this town, and cooperate with him in the presentation to the government of the matters confided to his management, but they took no step in that direction, not knowing whether the people of those sections would approve of what had been done." He then recounted the arrival of the Goliad delegates, and the agreement to have Rafael Manchola accompany Wharton. "All the foregoing," he continued, "I communicate to your body, by order of the convention, hoping that the people of Béxar will approve the measures adopted, and proceed to the appointing of a committee in that city, charged with the duty of a correspondence with the committee of this town."

Instead of replying directly to this communication, Angel Navarro, the alcalde of San Antonio, wrote to the ayuntamiento of San Felipe deploring the convention. He agreed that the objects sought were commendable. But the convention was "untimely and uncalled for," he said. "No hope can be entertained at present of a successful issue of the matters urged," he continued. "All such meetings are prohibited by supreme power and existing laws—the political chief of the department should have been consulted before such action was taken." Navarro added that on hearing of the event the political chief "expressed his surprise and displeasure that a movement so unusual should have been entered upon without his knowledge and consent."

Ramón Músquiz, the political chief, also wrote to the ayuntamiento, declaring that the holding of the convention was a violation of the law, and that in taking part in it the colonists had exercised powers "that belong exclusively to the state." Músquiz at the same time wrote to Stephen Austin, sending him a copy of his letter to the ayuntamiento, and expressing disapproval of the convention. Austin replied that, while the convention did not originate with him, he was satisfied that good would come of it. "Already the public is better satisfied," he said, "and we have more quiet than we had some time anterior thereto."

"As to your communication to the ayuntamiento in relation to the convention," wrote Austin, "I believe that it would have been better not to have written it. Revolutionary times are not like peaceable times. . . . I tell you candidly that in my opinion it would be very impolitic to translate and print your communication. I shall not do so. The ayuntamiento may do as they please. In times like the present, any measure is bad that tends to irritate and produce excitement; every measure is good that is calculated to soothe, bind up and bring about tranquillity and good order."

Austin said that he had little hope that the convention would result in obtaining anything from the government of Mexico, however. "There is little probability that we shall soon have a stable and peaceable order of public affairs," he wrote, "and I give it as my deliberate judgment that Texas is lost if she takes no measure of her own for her welfare. I incline to the opinion that it is your duty, as chief magistrate, to call a general convention to take into consideration the

condition of the country. I do not know how the state or general government can presume to say that the people of Texas have violated the constitution, when the acts of both governments have long since killed the constitution, and when the confederation itself has hardly any life left. I can not approve the assertion that the people have not the right to assemble peaceably, and calmly and respectfully represent their wants. In short the condition of Texas is bad, but we may fear to see it worse."

Músquiz did not take Austin's advice about calling a convention, for he had been apprised of the hostile attitude of the state government toward all such movements. The governor wrote him "to give the ayuntamiento of San Felipe de Austin and other authorities of your department to understand that this government views with high displeasure all proceedings opposed to the constitution and existing laws, and that it will be compelled to take efficient measures to repress every disturbance of good order that may arise under any pretense whatever."

The chief objection was to the convention itself, and not to any action which it had taken. It was the "form" of the action that was regarded as illegal. The regular procedure would have been to have the ayuntamientos of the state, as such, to petition the governor praying that he take up with the legislature the matters complained of, and the latter body would be the proper one to petition the general government. The ayuntamiento of San Felipe, as has been seen, had already taken such action with respect to the law of April 6 and a large standing army. After expressing its dis-

approval of the convention, therefore, the ayuntamiento of Béxar (San Antonio) proceeded to adopt the "legal" method to further the same objects. It passed an "act," similar to that which the ayuntamiento of San Felipe had passed, praying that the state authorities seek to obtain the repeal of the law of April 6, so far as it prohibited the immigration of Americans to Texas. But it went further and proposed, just as the convention had done, that steps be taken to bring about the separation of Coahuila and Texas and the erection of a state government in Texas.

Meantime, the republic remained in a condition of revolution. The date for the elections had passed and none had been held. Gen. Melchior Múzquiz continued in office as president *ad interim*, and the armies of Santa Anna and Bustamante were maneuvering against each other, attempting to obtain strategical advantage. Gómez Pedraza, the "legitimate" president, returned to Mexico at this juncture, landing at Vera Cruz early in November. Santa Anna had taken Puebla without resistance on October 4 and advanced toward the capital. From October 22 until November 6 he maintained a siege of the capital, but on the latter date, because of the menace of Bustamante's army, he raised the siege and marched to meet the enemy. Pedraza, upon arrival, went immediately to Puebla, where part of Santa Anna's forces were stationed.

With such a situation existing, it was futile to think of sending a representative to Mexico City, and this fact, and the further fact that much dissatisfaction with the convention was expressed among the colonists, led the central committee to abandon Wharton's mis-

sion, and to call another convention. There were criticisms of the first convention on the ground that the delegates had not been authorized to take up the question of statehood, that nothing of the sort had been mentioned in the call or discussed during the election of delegates. There was general criticism that sufficient time had not been allowed between the call and the date of meeting in which to hold the elections. Others criticized the convention for merely petitioning for statehood and not proceeding to draw up a state constitution. So it was decided to call another convention, giving ample time for everybody to participate in the election of delegates. The call was issued in January, 1833, and the date of the meeting was fixed as April 1. The elections were to take place on March 1, thus leaving plenty of time for discussion beforehand, and a whole month in which to get to San Felipe after the election.

At this point there appeared in Texas, for the first time, a man who was destined to play a dominant part in its future. On December 10, 1832, Sam Houston, the exiled governor of Tennessee, crossed the Red river into Texas, and proceeded to Nacogdoches. He bore a commission from the war department of the United States to confer with certain Indian tribes in Texas, with what object in view is not quite clear. He traveled from Nacogdoches to San Felipe and then, in company with James Bowie, to San Antonio, where he held a powwow with some Comanche chiefs.

Houston had just come through a sensational episode in Washington, D. C. He had left his retirement for the first time in 1830, and had gone to the American

capital with a delegation of Cherokee Indians to lodge complaint against certain fraudulent contractors. On that occasion he had made a bid for a government contract to supply the Indians himself, but this bid had been rejected because of political pressure, and Jackson's opponents had made a small scandal out of Houston's attempt to obtain such a contract. In 1832 Houston was in Washington again, when Representative William Stanberry, of Ohio, in the course of an attack on Jackson's administration, referred to this rejected contract and made certain remarks at which Houston took offense. Houston sent a note to Stanberry inquiring whether he had made the remarks attributed to him. Stanberry replied by saying that Houston had no right to such information. A few days later Houston met Stanberry on the street and, after asking if such was his name and receiving an affirmative reply, proceeded to assault him with a hickory cane, knocking him down and beating him severely. While lying on the ground, Stanberry drew a revolver and aimed it at Houston, but it snapped without exploding, and Houston wrenched it from his hand. Houston then walked off.

For this offense, the house of representatives haled Houston before the bar of the house on the charge that the assault was a breach of the privileges of that body. A trial, lasting a month, was the result. It soon developed into a party affair, it being charged that it was Jackson and not Houston the anti-administration leaders were after. The Jackson men rallied about Houston, and the trial became the leading political sensation of the day. In Tennessee, which state Houston had left almost in disgrace, he became the popular

idol, second only to Jackson himself. It was the beginning of his rehabilitation. "I was dying out," said Houston afterwards, "and had they taken me before a justice of the peace and fined me ten dollars for assault and battery it would have killed me; but they gave me a national tribunal for a theater, and that set me up again." The house voted a reprimand and a fine of five hundred dollars against Houston. Jackson remitted the fine for "divers good and sufficient reasons." When Houston left Washington, it was with the commission to visit Texas.

That Houston had cherished some kind of plans with respect to Texas there can not be the least doubt. Jackson's letter to him in 1829 was prompted by reports of declarations Houston was said to have made. It is unthinkable that he ever contemplated an invasion of Texas by the Cherokees. But that he did contemplate some other project is certain. There is undoubted evidence that a group of Houston's friends in New York had discussed financing a scheme for him, involving the detaching of Texas from Mexico. A letter from John Van Fossen, of Livonia, N. Y., to Houston, dated August 3, 1832, throws light on this point.

"I was informed by Colonel Shote, with whom I parted at Baltimore on my way home," Van Fossen wrote, "that there was reason to fear that your friends in New York would fail of their engagement to furnish the means of prosecuting your Texas enterprise. I hope it will not prove true, for I had indulged the expectation of hearing of, if I could not witness and participate in, the most splendid results from this undertaking. I do not believe that that portion of

the country will long continue its allegiance to the Mexican government, and I would rather see it detached through your agency, as the results could not fail to be highly favorable to your interest, than to learn that the object had been effected through any other means, or even to learn that it had become the property of the United States on the most favorable terms of purchase. I shall feel uneasy until I learn from you how the matter has resulted."

It is to be noted that the date of this letter was August 3, 1832. Houston's passport from the war department was dated August 6, or three days later. What the precise nature of the project was it would be futile to inquire now. But it is clear that Houston looked forward to the detachment of Texas from Mexico before he made his first trip in 1832. After spending two months in Texas, he went to Natchitoches, La., and, on February 13, 1833, wrote the following letter to President Jackson:

"Having been so far as Béxar, in the province of Texas, where I had an interview with the Comanche Indians, I am in possession of some information which will doubtless be interesting to you, and may be calculated to forward your views, if you should entertain any, touching the acquisition of Texas by the Government of the United States. That such a measure is desired by nineteen-twentieths of the population of the province, I can not doubt. They are now without laws to govern or protect them. Mexico is involved in civil war. The Federal Constitution has never been in operation. The Government is essentially despotic, and must be so for years to come. The rulers have

not honesty, and the people have not intelligence. The people of Texas are determined to form a State Government, and separate from Coahuila, and, unless Mexico is soon restored to order, and the constitution revived and reenacted, the province of Texas will remain separate from the Confederacy of Mexico. She has already beaten and repelled all the troops of Mexico from her soil, nor will she permit them to return; she can defend herself against the whole power of Mexico, for really Mexico is powerless and penniless to all intents and purposes. Her want of money, taken in connection with the course which Texas *must and will adopt*, will render a transfer of Texas to some power inevitable, and if the United States does not press for it, England will, most assuredly, obtain it by some means.

"Now is a very important crisis for Texas. As relates to her future prosperity and safety, as well as the relations which it is to bear to the United States, it is now in the most favorable attitude, perhaps, that it can be, to obtain it on fair terms. England is pressing her suit for it, but its citizens will resist, if any transfer should be made of them to any power but the United States. I have traveled nearly five hundred miles across Texas, and am now enabled to judge pretty correctly of the soil and resources of the country, and I have no hesitancy in pronouncing it the finest country, for its extent, upon the globe; for the greater portion of it is richer and more healthy than West Tennessee. There can be no doubt that the country east of the river Grand of the North would sustain a population of ten million of souls.

"My opinion is that Texas, by her members in Con-

vention, will, by the 1st of April, declare all that country as Texas proper, and form a State Constitution. I expect to be present at the Convention, and will apprise you of the course adopted, as soon as its members have taken final action. It is probable that I may make Texas my abiding-place. In adopting this course I will never forget the country of my birth."

Houston closed the letter by saying that he would forward his report to the Indian commissioners at Fort Gibson, adding a few words of congratulation of the president on his stand against the nullification movement.

This was not the first news Jackson had received of the coming convention. He had obtained information from some other source, and the interpretation he placed upon it was that it was a step toward separation from Mexico. For, three days before Houston's letter was written, Jackson had received a letter from Butler in which the latter made an entirely new proposal with respect to the acquirement of Texas, and a notation on the back of that letter, dated February 10, 1833, makes reference to the Texas convention. Butler's new proposal was that the United States make a considerable loan to Mexico, and take a mortgage on Texas as security. In sending the letter to the secretary of state, Livingston, Jackson wrote on the back of it as follows:

"Instruct Colonel Butler to bring the negotiation to a close. The Convention in Texas meets the 1st of next April to form a constitution for themselves. When this is done, Mexico can never annex it to her jurisdiction again, or control its Legislature or exercise any

power over its Territory—it will be useless, after this act, to enter into a treaty of boundary with Mexico."

This is another illustration of how much misunderstanding of the position of the colonists in Texas existed on all sides. Jackson seems to have taken it for granted that, merely by forming a state constitution, Texas would obtain independence of action. The colonists, on the other hand, were endeavoring to make it clear to the Mexican authorities that the granting of separate statehood to Texas would not tend in any way to separate the territory from the Mexican federation, but on the contrary would bind the Texans more closely to the federation. Houston's estimate of the situation was nearer the truth than that of either Jackson or the Mexican authorities. Viewing it as an outsider, he saw that "unless Mexico was soon restored to order and the constitution revived and reenacted," Texas would be compelled to separate from the federation. This he regarded as the course which "Texas must and will adopt," for he had no belief that Mexico would be restored to order in the very near future. The fact that he suggested to Jackson that it was a good time to press the purchase of Texas is proof that there was no connection between Jackson and Houston's previous plans, whatever they might have been, with respect to Texas. It also shows that Houston, at this time, did not understand the Mexican temperament.

It is a curious fact, worth noting here, that it never occurred to such democrats as Jackson, Henry Clay, Houston and the rest that the State of Coahuila and Texas was already a sovereign state under the constitution of 1824, and that the federal government of

Mexico had no power to sell a part of that state, if the constitution of 1824 was to be taken seriously. If Mexico had proposed to the United States that the line of 1819 be changed from the Sabine to the Mississippi, for example, all of them would have pointed out immediately, aside from other considerations, that the federal government of the United States had no power to dispose of territory that was part of the sovereign State of Louisiana, a member of the federal union. And yet that the territory west of the Sabine was part of a sovereign state, a member of the Mexican federation, the state, that is, of Coahuila and Texas, never seems to have entered their minds. Such was the case, however, if the constitution of 1824 was to be regarded as in effect, and the Texans were simply asking that this sovereign state be divided into two states, with separate state governments. They proposed to have Texas, as a separate state, to maintain the same relation to the Mexican federation as the State of Coahuila and Texas already maintained.

The purpose of the Texans in this respect was quite as much misunderstood by the Mexicans. Even Ramón Músquiz, the political chief at San Antonio, who had been very friendly to the Americans, and who desired ultimate separate statehood for Texas, came to regard the activities of the Texans as directed toward a separation of Texas from Mexico, and its annexation, either to the United States or a Southern federation of states. In writing of the situation to the vice-governor of Coahuila and Texas, under date of March 11, 1833, he expressed the opinion that "the cabinet at Washington, actively but secretly, instigated those move-

ments." He pointed out that the Texans must know "right well" that neither under the constitution of the Mexican federation nor under that of the United States would it be held that the time had come "to constitute Texas as a separate state." "They can not be so ignorant," he wrote, "as not to know that Texas has not within its limits a sufficient number of men suitably competent to take in its hands the reins of government; and what is not less important, they must be conscious of the fact that the sources of revenue within their province are too limited to support a state organization."

"In view of such knowledge of prematureness of action on their part, and its consequences," he continued, "it must be concluded that the revolutionary attempts, for some time observed among the people, have not for their object the erection of Texas into a separate state."

Músquiz eliminated also as untenable the supposition that the Texans desired to see the province set up as a "territory" instead of a state, for "the disadvantages resulting from such political condition are too obvious to the least discerning among them." Moreover, he dismissed the idea that they desired to make an independent country of Texas, "for they must be aware that such an enterprise, to be successful beyond all others, demands men, arms and money far transcending their resources."

He concluded that the attempts were directed toward the object of detaching Texas from Mexico in order to annex either to the United States or to a Southern confederacy yet to be formed. In proof of this he cited the fact that Butler had been in Texas during

the previous June, just before the trouble between the colonists and troops. "Immediately after that visit," he wrote, "the revolutionary movements of the colonists began; and anterior to that event they had been exceptionally orderly."

It was amid such a maze of misunderstanding that the colonists went about the business of holding the elections for delegates to the convention. In the Nacogdoches district the alcalde, acting under superior orders, actually made an attempt to prevent the elections. He ordered out the militia, but the members of the militia refused to respond. The election was held, and incidentally Sam Houston, who had returned to Texas after dispatching his letter to Jackson, was elected a delegate from the Nacogdoches district.

Meantime, the revolution in the Mexican republic had been brought to a close. Bustamante and Santa Anna, after a few skirmishes in which the latter got the best of it, finally signed peace terms on December 23, 1832. Under this agreement, Pedraza was installed to serve out the unexpired term as president, and an election was called. Pedraza took the oath of office on December 26 to serve until April 1. The election resulted in favor of Santa Anna for president, and Gómez Farias for vice president. The new administration would take over the reins of government, therefore, on the same day that the convention met at San Felipe. Santa Anna, whc felt some kind of friendliness for the colonists because of their advocacy of his cause, nevertheless suspected them, like most other Mexicans, of desiring independence. Writing to President Pedraza on the question of Texas, he said:

"I deem it my duty to call special attention of the President to the condition of Texas. Satisfied as I am that the foreigners who have introduced themselves in that province have a strong tendency to declare themselves independent of the republic, and that all their remonstrances and complaints are but disguised to that end, I think it to be of paramount importance that General Filisola should forthwith proceed to fulfill his mission, having been first well supplied with good officers and the greatest number of troops possible, with instructions both to secure the integrity of our territory and do justice to the colonists. The interest of the nation requires a kind policy toward these people, for they have done us good service, and, it must be confessed, they have not on all occasions been treated with justice and liberality. That they have grounds to so feel towards our government is derogatory to the honor of the republic, and is deeply felt by them. Moreover, it is possible for them to become so exasperated as to make it impracticable to restore order among them without much trouble."

The General Filisola referred to was the new commandant of the eastern internal provinces, an Italian in the Mexican service. What his "mission" was conceived to be may be judged by the fact that on March 2, 1833, the Mexican minister of relations wrote to Butler, the American representative at Mexico City, that the North American colonists in the department of Béxar were preparing to secede from the State of Coahuila and unite themselves to the United States. He said they were being encouraged in their plans by people in the neighboring North American states, and that

he hoped that the United States government would do what it could to stop this. The president of Mexico, he added, had issued such orders as were deemed necessary to prevent the move on the part of the Texans to detach Texas from the republic. These orders, of course, were issued to Filisola, and they concerned the reoccupation of Texas. The troops which had been banished in the name of Santa Anna were to be sent back at Santa Anna's advice. Such was the program which the Mexican government proposed to apply in dealing with the Texas situation.

CHAPTER XXI.

AUSTIN GOES TO MEXICO.

When the second convention of the Anglo-Americans met at San Felipe de Austin on April 1, 1833, the first signs of party differences made their appearance. They were not of a serious or fundamental character, but they reflected in some degree the varied shades of opinion which were now to be found among the colonists. There were some who frowned on all "revolutionary" activities, and who favored making the best of things by raising and marketing their crops and doing nothing to create controversy with the Mexican authorities. These were opposed to the holding of a convention at all and, as they took no part in the elections, they were not represented among the delegates. Then there were those who favored following a course calculated to obtain as much from the government as possible with the least friction. The repeal of the law of April 6, and revision of the tariff were the chief objects sought by these. They desired a restoration of the conditions existing before 1830. Next, there were those who favored going a step further, by petitioning for statehood, but in such a way as to reassure the authorities with respect to the loyalty of the colonists. Finally there were those who, during the period between the two conventions, had come to favor the drafting of a state constitution as well as petitioning for statehood. Among the latter there were some who favored

independence, and who advocated the drafting of a constitution in the hope that it would be rejected and thus promote the cause of independence. It is not known with whom the idea of drafting a constitution originated, but Houston's letter to Jackson shows that the idea had made great progress fully two months before the convention was held. When the delegates gathered, it was found that a great majority of them were in favor of it, and it was on this point that the chief division of opinion occurred.

Stephen Austin's attitude at all times was determined by what he conceived to be the welfare of the colonists. He was in no sense a doctrinaire, and abstract ideas had no influence on his opinions. The very practical question of what was best for the farmers on Texas lands, what would best promote their material well being, was the decisive one with him. Moreover, it was his policy always not to anticipate public opinion nor to attempt to force it. He felt the responsibility of his position of leadership among his people and his inclination was rather to counsel against radical action even when public opinion was veering in that direction. But he had come to the conclusion that Texas must do something for itself. It was in this conviction that he had written Músquiz advising him to call a convention of all Texas. The situation of Texas as part of the state of Coahuila and Texas had become a difficult one in a practical sense, and the welfare of the colonists was being adversely affected by it. He was now convinced that in order to avoid a condition of anarchy statehood should be granted Texas as soon as possible.

But to his practical mind the idea of drawing up a

state constitution before statehood was granted did not appeal at all. He held that it could not possibly help the cause of statehood and that it might easily damage that cause by further confusing the minds of the Mexican authorities with respect to the purposes of the colonists. He expressed his disapproval of this idea, when it was being discussed during the elections, and his attitude was well known when the convention met. He found himself, therefore, in the minority.

The same districts that were represented at the previous convention sent delegates to the second one, and in most instances they were the same delegates. Some of the new faces, however, were notable. First of all, there was Sam Houston, who had decided to cast his lot with Texas, and who appeared as a leader of the advocates of a constitution. Then there was David G. Burnett, who also took a prominent part in the proceedings, thus making his first appearance as a figure in the public affairs of Texas. William H. Wharton and Stephen F. Austin were again the candidates for president of the convention, and this time Wharton was elected. This was significant of the changed temper of the delegates. The majority favoring the drafting of a constitution voted for Wharton, who also advocated such a course, and against Austin, who opposed it. In due course, the convention adopted a resolution providing for a committee to draw up a constitution, and Houston was made chairman of it. Burnett was made chairman of the committee to draft a memorial to the Mexican congress praying for the erection of Texas into a state separate from Coahuila. Thus the convention got down to work.

Associated with Houston on the committee to draft

the constitution were Nestor Clay, R. M. Williamson, James Kerr, Oliver Jones, Luke Lesassier and Henry Smith, but the authorship of the document is attributed to Houston himself. It was an ultra-American and democratic production, with some provisions—like that empowering the legislature to override the veto of the governor by a mere majority vote—which were far more radical than the average American state constitution. It provided for the three departments of government—legislative, executive and judicial. The legislature was to be divided into two houses; the term of office for the governor was to be two years, with the provision that no individual could serve more than four years as governor in any six; district courts were to be created by the legislature at will, and the judges were to be elected by the legislature for a term of six years. A supreme justice and a majority of the district judges, sitting together, were to constitute the supreme court.

One of the debates of the convention was over a provision of the proposed constitution prohibiting banks. This clause provided that "No bank, nor banking institution, nor office of discount and deposit, nor any other money corporation nor banking establishment, shall ever exist during the continuance of the present constitution." Dr. Branch T. Archer opposed this provision, and in doing so gave Houston the opportunity to display his powers before the convention. For Houston defended the proposal with all the zeal of a Jacksonian. It was a tempest in a teapot, but Houston's oratory prevailed, and the clause was retained.

The most characteristic feature of the constitution, however, was a bill of rights of twenty-seven articles

which must have seemed revolutionary in the extreme to many of the Mexican leaders. The first and second articles will give an idea of its character. They embodied the following declarations:

"All power is inherent in the people, and all free governments are formed upon their authority, and established for their peace, safety and happiness. For the advancement of those ends, they have the inviolable right to alter, reform and abolish the government in such a manner as they may think proper.

"Government being instituted for the protection and common interest of all persons, the slavish doctrine of non-resistance against arrogant power and oppression is discarded, as destructive to the happiness of mankind, and as insulting to the rights, and subversive of the wants of the people."

However admirable these principles may be in the abstract, it is not difficult to appreciate Austin's view that their enunciation at that particular time was not calculated to reassure the Mexicans with respect to the loyal intentions of the colonists, for to Latin ears they must have sounded like a declaration that the Anglo-Americans owned Texas and proposed to do what they pleased about its government.

The memorial petitioning for statehood, drawn up by Burnet, was based on more practical grounds than the abstract rights of man. It was adjusted more accurately to the position of the colonists as citizens of Mexico and to Mexican law. "The consolidation of the late provinces of Coahuila and Texas," it declared, "was in its nature provisional and in its intention temporary. The decree of the sovereign constituent Congress, bearing date

of the 7th of May, 1824, contemplates a separation, and guarantees to Texas the right of having a state government, whenever she may be in a condition to ask for the same. That decree provides that, 'so soon as Texas shall be in a condition to figure as a state of itself, it shall inform Congress thereof, for its resolution.' The implication conveyed by this clause is plain and imperative; and vests in Texas as perfect a right as language can convey, unless it can be presumed that the sovereign constituent Congress, composed of the venerable fathers of the republic, designed to amuse the good people of Texas by an illusory and disingenuous promise, clothed in all the solemnity of legislative enactment. Your memorialists have too high a veneration for the memory of that illustrious body to entertain any apprehensions that such a construction will be given to their acts by their patriotic successors, the present Congress of Mexico."

The memorial then proceeded to point out that the decree of May 7, 1824, was made prior to the adoption of the constitution itself, and that, therefore, the provision of the constitution requiring ratification of three-fourths of the other states to the erection of a state from part of another could not apply to Texas. "It assures to Texas," it continued, "an exemption from the delays and uncertainties that must result from such multiplied legislative discussion and resolution." And parenthetically it remarked that such assurance had "all the sanctity of a legislative promise, in which the good faith of the Mexican nation is pledged."

The various practical arguments in favor of the separation of Coahuila and Texas into two states were then set forth at length. The distance between the populated

regions of the two, the difference of interests, the absolute dependence of the Texans upon Coahuila and the many evil effects of this situation were enumerated.

"We are perfectly sensible," it declared, "that a large portion of our population, usually denominated 'the colonists,' and composed of Anglo-Americans, have been greatly calumniated before the Mexican government. But could they see and understand the wretched confusion, in all the elements of government, which we daily feel and deplore—our ears would no longer be insulted, nor out feeling mortified, by artful fictions of hireling emissaries from abroad nor by the malignant aspersions of disappointed military commandants at home."

After setting forth reasons why a purely territorial government would not meet the needs of Texas, and declaring that the only remedy was "the establishment of a local state government," the memorial concluded as follows:

"We believe that, if Texas were admitted to the union as a separate state, she would soon figure as a brilliant star in the Mexican constellation, and would shed a new splendor around the illustrious city of Montezuma. We believe she would contribute largely to the national wealth and aggrandizement—would furnish new staples for commerce, and new materials for manufactures. The cotton of Texas would give employment to the artisans of Mexico; and the precious metals, which are now flowing into the coffers of England, would be detained at home, to reward the industry and remunerate the ingenuity of the native citizens."

The convention lasted two weeks, or twice as long as the previous meeting, and adjourned on April 13. In

addition to adopting the draft of the proposed constitution and Burnet's memorial, it also asked for the repeal of the law of April 6, 1830, and a revision of the tariff, and went on record against the African slave trade. Finally, in naming a committee to present all the documents to the government and to go to Mexico City to urge that the petitions be granted, the delegates turned to Austin. They requested him to undertake the mission, and named J. B. Miller of San Felipe and Erasmo Seguín of San Antonio to accompany him. In spite of the fact that Austin had advised against the drafting of a constitution until after statehood had been granted, he consented to the arrangement. The delegates then returned to their homes, leaving the matter in Austin's hands. Sam Houston apparently went back to his Indian life in Arkansas, for there is no record of his presence in Texas for two years after the adjournment of the San Felipe convention. Miller, for some reason, could not go on the trip to Mexico City, and later it developed that Seguín could not go either. Austin, therefore, was compelled to undertake the mission alone.

As soon as Austin could get ready, he started for San Antonio, leaving San Felipe on April 22, expecting to obtain the cooperation of the people of the Mexican town and to have Seguín accompany him on the remainder of the journey to the national capital. He was destined to be disappointed in both of these matters, for, as has been said, Seguín could not leave because of the pressure of private affairs, and meetings held by the principal citizens of San Antonio failed to result in any action friendly to the movement for statehood. Seguín was the only one among the Mexicans in favor of

memorializing the general government for statehood. It was decided to send a memorial to the legislature of Coahuila and Texas asking for a removal of the state capital to San Antonio. During the discussion of this some advocated saying to the legislature that if the seat of government was not removed Texas would separate. But even this proposed memorial resulted in nothing, for someone presented a curious interpretation of the law, contending that neither the ayuntamiento nor a meeting of citizens had the right to present such a petition. It was held that such a petition could be signed only by three citizens, and, in spite of the fact that Austin urged that this interpretation of the law was entirely erroneous, the Mexicans accepted it. When the question arose as to which three citizens should sign, only one man was found willing to place his signature to the document. Thus it all came to nothing.

"I believe," wrote Austin to the alcalde of San Felipe, in reporting on all of this, "that if the state government is granted the people here will be well satisfied, but I do not believe they will take any part whatever in favor or against the measure. I considered it my duty to use every exertion to procure their cooperation, and have done so. The most that can be expected is that they will not oppose it."

Leaving San Antonio, Austin journeyed by way of Goliad to Matamoros, where he conferred with General Filisola, the new commandant of the eastern internal states, who had established headquarters there. Filisola was powerless to do much toward the reoccupation of Texas because of lack of troops and equipment, and the quarters at Matamoros which were occupied by the ut-

terly unfit troops under his command were practically in ruins. He was glad to hear from Austin that the reports of the hostile attitude and revolutionary intentions of the colonists in Texas were without foundation in fact and that all they desired was the erection of Texas into a state by purely constitutional means. With most of the Mexicans, Filisola, though a naturalized Mexican citizen like Austin himself, shared the belief that the ultimate purpose of the Texans was a separation from Mexico. But this very circumstance made Austin's reassurances all the more welcome for, if the colonists had more immediate revolutionary activities in view, Filisola would have been helpless to deal with them. On his part he reassured Austin with respect to the intentions of the government toward the colonists, and informed him that his instructions were to send only such troops to Texas as were necessary to enforce the revenue laws at the ports of entry on the coast and along the border. Austin wrote a report of this conference to the ayuntamiento of Brazoria, and said that he had assured Filisola that the colonists would cooperate with him in enforcing the laws. He mentioned that George Fisher was about to return to Texas as collector of the port at Galveston and asked that Fisher be tolerated as an officer of the government.

"I will close," wrote Austin, "by assuring you that I have the most unlimited confidence in the patriotism, liberality and justice of the government, and I rely with full confidence upon the people of Texas, to sustain firmly all the authorities, both federal and state, and to obey the laws strictly. By so doing they will procure a state government and keep away large and unnecessary

military garrisons, and obtain everything that a reasonable people ought to ask for or a just and liberal government ought to grant. I recommend that the people of Texas should be mild, calm, and firm in favor of making a state of Texas by legal and constitutional means and by no others."

Austin became ill at Matamoros and, as congress adjourned on May 20, he about decided to return to Texas until later in the year before going to Mexico City. Accordingly he turned all the documents over to Filisola to be sent to the national government. His health soon improved, however, and an unexpected opportunity to obtain passage to Vera Cruz presenting itself, he sailed for that place on May 30. The vessel on which he embarked was a small schooner and, running into unfavorable winds, it was delayed three weeks beyond the time in which it would have made the trip normally. The schooner was provisioned only with salt food, and during the last ten days of the voyage was very short of fresh water. Austin, therefore, suffered much hardship and did not arrive at Vera Cruz until July 2, after being more than thirty days at sea. On the trip to Mexico City from the coast he was detained several days at Jalapa, because of the failure of the military commandant at Vera Cruz to endorse his passport. It was not until July 18, therefore, that he finally reached the capital. Santa Anna had left a week before to march against a revolutionary force that was besieging Puebla, and Gómez Farias, the vice-president, was acting as chief executive during his absence.

The forces of reaction, under the leadership of the party of "religion and privileges," were already making

great headway when Austin arrived at the capital, and already Santa Anna was deep in intrigues to have himself made the leader and beneficiary of this movement, while still posing publicly as the champion of federalism and the constitution of 1824. Indeed, he had begun to plan to this end even before he was installed as president. The new congress that had been elected following Santa Anna's triumph over Bustamante had convened on March 21, just ten days before the expiration of Pedraza's short term, and had immediately started to consider a series of the most radical "reforms" aimed at the privileges of the church and the power of the army. The election had been held amid a ferment of the most extreme radicalism, and the reactionaries, hopeless of obtaining any recognition in the congress, conspired in many instances to have elected candidates from the lowest and most ignorant class in the country. It was reasoned that this was the surest way to bring about reaction. The result was a congress made up of the most rabid anti-clerical and anti-military elements of the nation. Pedraza laid down the reins of office at the very moment that the conservative and privileged classes of the country had become alarmed over the demonstrations of radicalism in congress. Sensing this situation, Santa Anna purposely absented himself from the capital and Gómez Farias had become acting president from the moment of his inauguration as vice-president.

It was Farias, therefore, who had to deal with the extremists in congress and, incidentally, to bear the onus of their "reforms." He sought to restrain them in their wilder flights into the realm of vindictive legislation, but he was powerless. When Santa Anna finally ap-

peared in the capital on May 16 to assume the presidential authority, the first session of the congress was nearing its close, and already the centralist party had issued a document denouncing that body and its acts. Ten days later Colonel Ignacio Escalada, in the state of Michoacan issued a pronunciamento pledging himself and his followers "to defend at all hazards the religion of Christ and the rights and privileges of the church and the army." The pronunciamento called upon Santa Anna to assume the role of protector of those rights and privileges. Santa Anna immediately turned the office of president over to Farias again, and left the capital with a force of troops, ostensibly to put down these rebels.

Then there occurred a farcical episode which could hardly have taken place anywhere outside of Mexico, except, perhaps, in the pages of melodramatic fiction. On June 6 Santa Anna had himself made prisoner by his own troops and proclaimed dictator. Farias apparently was left helpless in the capital and at the mercy of the small body of troops stationed there. But if Santa Anna expected this move to succeed, he failed to appreciate the character of the man who was in the vice-president's chair. The troops in the capital attacked Farias in the palace, and the latter was without military force of any kind to defend the government. But within a few days he had organized six thousand civilians into a voluntary army to protect the capital and then proceeded to take steps to rescue the captured president. In the face of this turn of events, Santa Anna then "escaped" from his captors and returned to the capital. Congress, which in the meantime had been reconvened, became furious over the attempt of the army to seize the

government, and passed a most drastic measure, since known as the *ley del caso*, which authorized the president to order the arrest and exile for a period of six years of the most prominent persons belonging to the party of "religion and privileges." Beginning with Bustamante, the list included the outstanding reactionary leaders, dignitaries of the church and the Spanish priests. Farias attempted to dissuade the radicals against passing this measure, but without avail. The result was that reaction began to gain ground, for every one of the proscribed individuals now became an open revolutionist.

Santa Anna had reassumed the office of president on June 18, but on July 5 he again stepped down in order to undertake a campaign against Arista and Durán, two officers who were besieging Puebla. On July 10 he left the capital with a force of twenty-four hundred men, and on the same day there was published a letter from Arista and Durán, addressed to Santa Anna, advocating the abolition of the federal system of government. This letter, which purported to be in reply to a request from Santa Anna for the views of its authors with respect to the government, proposed that Santa Anna seize the government, declare himself dictator, and that a national convention be called to give the nation any form of government other than the federal. It declared that the federal system was unsuited to Mexico. This letter was the chief topic of political discussion when Austin arrived at the capital a week after its publication. At the very moment the representative of the colonists was preparing to present to the government their petition praying that Texas be erected into a separate state

under the federal system, forces were being set under way with the object of abolishing the federal system altogether.

In the absence of Santa Anna, Austin called upon Gómez Farias, the acting president, Carlos García, the minister of relations, and Ramos Arispe, the minister of justice, and took up with them the business which had brought him to Mexico City. Filisola had forwarded all the documents which had been turned over to him by Austin, and the government was already informed, therefore, with respect to the wishes of the colonists. Austin found that with respect to all the grievances of the Texans, except the need of separation from Coahuila, there was a ready disposition to do everything possible to remedy the evils complained of. The proposal for statehood, however, was suspected to be something other than it seemed. Even Farias, whose principles and character were such that he could not fail to sympathize with the desire of the colonists for orderly civil government, was unconvinced that the real purpose of the colonists was not separation from the republic itself as well as from Coahuila. Austin was required, therefore, to present in writing his own views on the subject, setting forth the legal basis of the claim that congress could constitute Texas a separate state without obtaining the formal consent of three-fourths of the other states and the reasons why it was imperative to grant statehood at that particular time.

The text of the argument which Austin submitted to Garcia, the minister of relations, sets at rest all doubts that some of his contemporaries raised with respect to his zeal in furthering the cause of statehood for Texas.

For, not only did he set forth the points upon which the convention based its request with greater ability and effectiveness than the Burnet memorial, but he added arguments of his own which embodied a frank and fearless warning to Mexico that if Texas was to be retained in the federation it would be absolutely necessary to grant it full local self-government.

Austin enumerated six bases on which were founded the right of Texas to be a state. These were as follows:

"1st. It possesses sufficient qualifications, and the people of Texas have manifested their desire to be a state.

"2nd. The natural right that she had always had of organizing herself as a state, and of occupying her rank as such, at the side of her sisters, the other states, on account of having been a distinct province at the time of independence.

"3d. The guarantee of the law of May 7, 1824.

"4th. The right that is guaranteed to it by the system adopted by the Mexican republic, of promoting her welfare, and of securing her interior prosperity and tranquillity by an adequate organization of her local government.

"5th. The duty, and the interest of Texas, of cementing her permanent union with the Mexican federation.

"6th. The right that all people have of saving themselves from anarchy and from utter ruin."

Austin enlarged on each of these points, and presented the legal basis of the right of Texas to be a state with simple clearness and in direct fashion. In proof that Texas possessed the qualifications to be a state, he presented a statistical report which gives a graphic pic-

ture of the economic and social condition of Texas at that time. It showed the population of Texas, exclusive of Indians, to be forty-six thousand, which was about forty thousand more people than were in Texas in 1824, when it was first joined to Coahuila and when the constitution was adopted. The products of Texas, Austin said, were cotton, sugar, indigo, edible grains and vegetables of various kinds; flocks, lumber and boards, leather goods and hides.

"In the municipalities of Austin and Brazoria," said the report, "there are thirty cotton-gins, two steam saw-mills and grist mills, six water-power mills, and many run by oxen and horses.

"In Gonzales there is a water-power mill on the Guadalupe river for sawing lumber and running machinery, which is of much importance, since this mill supplies the towns of Gonzales and Goliad and the city of Béxar with boards.

"The municipalities of Liberty and Nacogdoches are very well provided with mills and gins, and there is great progress in this industry in all parts of Texas."

Austin supplemented these observations with a general view of the condition of agriculture and livestock raising, showing among other things that the production of cotton for the year 1833 would be about seventy-five hundred bales, and that all kinds of livestock and other products were produced in abundance. He touched on the commerce of Texas and the means of transportation, showing the latter to be adequate and rapidly developing.

"In the bay of Galveston," he said, "there is a steam-

ship, and a company has been formed in Austin and Brazoria for the purpose of bringing one to the Brazos river. There is a plan to open a canal to join the Brazos river with the port of Galveston, and another to join the two bays of Matagorda and Galveston. The settled part of the country is provided with good roads and there are various new projects and enterprises for bettering the navigation of the rivers with oar-boats and steamboats for the purpose of facilitating the transport of the agricultural products of the interior of Texas to the coast."

All of these facts, taken together with the enterprising and industrious character of the inhabitants, showed resources and qualifications, he said, fully adequate to sustain a state government.

The legal right of Texas to statehood Austin argued in a manner that admitted of no questioning. And to this he added the argument that the very character of the federal system of government demanded that Texas be made a state. But it was while amplifying the fifth and sixth points that Austin went beyond both the Burnet memorial and that of the first convention in attempting to bring the Mexican authorities to a full realization of the situation.

"The inhabitants of Texas," he said, "desire to cement and strengthen their union with the Mexican federation, and it is their most important interest and their duty to do it.

"There is no individual in Texas who is not convinced that the greatest misfortune that could happen to him would be the separation of that country from Mexico; neither is there anyone who does not know very well that

her union indirectly by means of Coahuila is in the highest degree precarious and liable to be broken without great difficulty.

"It is known by certain things, positive facts, "*that Coahuila cannot govern Texas; and the latter cannot remain, and will not remain, in harmony or quietude united with the former.*

"Another truth is, *that it is useless to try to subject or regulate Texas by military force.*

"That country has to be governed by moral force, and her union with Mexico strengthened and established by the principles of the federal system, and those of the century in which we live.

"In conformity with these principles, the object of the government is, *the happiness and prosperity* of the people and *the welfare of the associates!* If these objects are fulfilled in Texas, she will be united to Mexico by bonds much stronger than those which could result from an army of fifty thousand men.

"Interest is the most powerful bond that operates upon the actions and desires of humanity. By the application of this fundamental principle to Texas, all erroneous ideas vanish in a moment, and also the false rumors that may have existed concerning the danger of the Mexican territory in that country.

"The interests of Texas are, *to cement her union with Mexico, and to have a local government as a state of this federation.*

"These interests are the natural bonds that unite and always will unite Texas to the Mexican federation. But the last is of so much importance, and so indispensably necessary to the '*welfare*' and '*happiness*' of that people,

that it cannot be omitted or delayed. Consequently, if there were no way of obtaining it without breaking the bonds of the union with Mexico, it would then be the interest of Texas to attempt her separation.

"This point has been discussed and examined with much frankness in Texas; and the opinion is formed and established upon very solid, unalterable foundations, because it has been the result of much reflection; that opinion is, that it would be a misfortune to be separated from Mexico, but *that it would be a greater misfortune not to be erected into a state*, so as to be able to organize her local government. There are well-founded fears that Texas may have to suffer the first misfortune in order to save herself the last; and these fears have had a dominating influence in the desire for separation from Coahuila, for the purpose of reconciling with one voice all the local interests of Texas with her permanent union with the Mexican federation.

"I have said, and I repeat it, *it is not the interest of Texas to separate herself from Mexico, even if she had full liberty to do it.* If the government should wish to know the reasons on which this opinion is founded, I will present them in a separate paper, and in this I will demonstrate that the true interests of Coahuila and of all the republic demand that Texas should be made a state without any delay."

This was plain talk. It was saying, in effect, to the Mexican authorities that the only way to save Texas to Mexico was to erect it into a state, for continued subjection to Coahuila would compel the Texans to separate from the federation. But Austin talked even more

plainly in discussing his last point—"the right that all people have of saving themselves from anarchy and utter ruin."

"This is a dark and gloomy point," he said. "Texas is today exposed to separation from Mexico—to being the sport of ambitious men, of speculators and reckless money-changers, of seditious and wicked men, of wandering Indians who are devastating the country, of adventurers, of revolution, of the lack of the administration of justice and of confidence and moral strength in the government. In short, for the want of government that country is already at the verge of anarchy.

"If one proceeds in accordance with the laws of the state of Coahuila and Texas, a respectable man would not be safe either in person or property; nor would the capitalist be secure in his capital. If crime is punished, it has to be done *extrajudicially* without paying attention to the laws and forms established, and this affords a dangerous example to society and a subversion of the moral strength which the government and the laws ought to have. On the other hand, if crimes go unpunished, the vices are unbridled and all the safeguards of society are destroyed.

"For a long time the people of Texas have rested, in regard to their personal security and that of their property, rather upon the virtues which exist in the honor of the mass of the people than upon the administration of the laws.

"To suppose that such a state of affairs can continue would be to venture much; in short, it would be to suppose an impossibility.

"If the only radical remedy which these evils admit

is not applied without delay, that of establishing Texas as a state, it will fall into anarchy; and whence it will go from this is not in the power of man's judgment to say, or what injury will result to the frontiers of Coahuila, Nuevo Leon and Tamaulipas, for it is very certain that the Indians will take advantage of the occasion to begin hostilities and depredations, and thousands of adventurers will be set in motion.

"A state of anarchy in Texas would also cause confusion upon the frontiers of Louisiana and Arkansas; and in such case the probability is great that the government of the North would take possession of Texas in order to preserve order upon their frontiers, as it did in the case of the Floridas.

"All this and incalculable other evils would be avoided by establishing Texas as a state.

"I cannot imagine anything more urgent for the exercise of extraordinary power than this, since by its exercise in this matter the integrity of the territory may be preserved, Texas and her inhabitants may be saved, and a new and strong column may be raised to sustain the great edifice of the Mexican federation."

Austin here presented the true philosophy which, from the Mexican standpoint, should have been applied to Texas. It was the true solution of Mexico's problem of dealing with Texas. There was no outstanding Mexican statesman, however, to comprehend this view in its fullness and to present it with compelling power. Nor were the Mexicans so constituted as to see Austin in the role of a Mexican statesman. Yet it was as such that he spoke. He presented this policy as the wise one, in contrast with the policy advocated alike by Terán, Alamán,

Tornel, and finally by Santa Anna himself—the policy, that is, of force. Austin spoke the plain truth when he said that statehood would unite Texas to Mexico by bonds much stronger than those which could result from an army of fifty thousand men. He was right when he warned the authorities that it was useless to try to subject or regulate Texas by military force. This view must have appealed strongly to the vice-president, Gómez Farias, for it was in line with his own general principles. But Farias himself was at that moment facing the problem of saving the federal system itself, and Santa Anna was flirting with the leaders of the party of force—the party of the army and the church, of "religion and privileges"—and conspiring to establish himself as dictator.

In reporting the results of his interviews with Farias and his ministers, Austin said his reception was "kindly and friendly."

"I will give the answer of the two ministers, García and Arispe, as nearly verbatim as I can recollect," he wrote the central committee. "I do not pledge myself for the accuracy of the words, but I do for that of the substance: 'This government will examine the pretensions of Texas to become a state of this confederation, with the most friendly disposition towards the people of that remote section, and in conformity with the broad and liberal principles of the federal system, adopted by the Mexican republic. We wish to see every portion of the confederation governed in accordance with these principles, and of those of the age in which we live. We admit that Texas has just cause to complain of the legislature of Coahuila. The people of Texas may therefore

expect that their application will be considered, and their just requests granted, so far as it is within the constitutional powers of the government to grant them.' "

Austin expressed himself as hopeful that Texas would be made a state, basing this hope on the information imparted to him by "many persons of influence."

"Should I be incorrect in this conclusion," he wrote, "there will be but one course, one remedy left, and that is for Texas to adopt the alternative I informed the ministers self-preservation would compel it to adopt. The people, therefore, must organize without any more applications or delay."

Austin had now come to the firm conviction that the alternatives before Texas were these: Statehood, independence or anarchy. If the central government could not appreciate this situation, and should refuse or fail to grant statehood, his remedy, in order to avoid separation from Mexico on the one hand and anarchy on the other, was for the colonists to organize themselves into a state without the consent of the central government.

"It is pretty well known in Texas," he wrote, "that I have pursued conciliation as a system; some think I have adhered to it too long, and too obstinately. I do not think so, placed under the circumstances I was. However, this is a mere matter of opinion and is of no consequence. My conciliatory course has not compromised any of the rights of Texas; on the contrary, it has settled that country, and in times past saved it from many evils. Clamors and importunities could not force me from my old rule. You ought, therefore, to believe that my judgment is now convinced that Texas, in this question of right to become a state, must be uncompro-

mising. I am placed in a situation here to form a more correct opinion as to what course will be best calculated to secure the prosperity of Texas, and its permanent union with Mexico, than I was in that remote section.

"I therefore reiterate the opinion, and I place it on the footing of a recommendation, that, should our application be refused, Texas ought to organize a local government with as little delay as possible—but always on the basis that it is part of the Mexican confederation, a younger sister who adopts this mode of entering upon her rights, now that she is of age, because unnecessary embarrassments are interposed which are unconstitutional, unjust, inexpedient and ruinous.

"I also recommend tranquillity and obedience to the laws—these are the first duties of a citizen. Wait for a definite answer. The moment I get one, or am convinced that delay is the object, I will leave here and hasten home to unite in executing the recommendations I have made."

A period of more than two years was to pass before Austin was to set foot on the soil of Texas again. But for the present he labored with the members of congress and the ministers of the government to obtain a prompt consideration of the petition for statehood.

CHAPTER XXII.

THE ARREST OF AUSTIN.

The summer of 1833 was a terrible one in Mexico City and the country surrounding it. An epidemic of Asiatic cholera prevailed from the beginning of June until late in September. There were forty-three thousand cases in the city at one time, and the deaths from the dread disease exceeded eighteen thousand. On a single day—August 17—when the epidemic was at its height, there were more than twelve hundred funerals!

The mass of the population was seized by an overwhelming fear. The cholera was the one thought uppermost in everybody's mind. Scenes of death and suffering were everywhere, and added to these was the grief of survivors for loved ones who had died. There were many abnormal manifestations of the fear which had taken hold of the people. In a village in the state of Puebla, for example, the belief got abroad that the water had been poisoned by foreigners, and, in a frenzy of blind and unthinking rage, the inhabitants massacred seven Frenchmen, who constituted the total foreign population of the place. There was a widespread belief also that the scourge was a punishment of God, visited upon the people because of the recent activities of congress against the privileges of the church. This helped the movement of reaction, of course, which was gaining ground in all parts of the republic.

In the midst of such a visitation it was but natural

that the people should turn toward religion. With death and sorrow present on all sides, and everyone conscious of the fear that only a few days of life might still remain, the wonder was that anything else was thought of at all. There were masses and processions and public supplications. Favorite saints were importuned in every conceivable form of pious observance, and well-known shrines were besieged by pilgrims. It is not remarkable among such a people that the priests were more sought after than the physicians. Indeed, the most heroic work among the stricken was that of the priests, the nuns and other religious workers.

The economic effect of the epidemic was quite as great a cause of misery as the cholera itself. The ordinary routine of commerce and business generally was broken down and this caused much distress, especially among the poor. The condition thus created contributed toward the general demoralization of the people.

It was, as has been said, a terrible summer. "I have never witnessed such horrible scenes of distress and death," wrote Austin, in describing the situation. Congress adjourned, of course, and government business was confined to the absolutely essential routine. There was little that Austin could do to further the objects which had brought him to the capital. Indeed, had he abandoned his mission and left Mexico, nobody would have blamed him. Nevertheless he remained and did what he could to obtain consideration of the petitions of the colonists. Meantime, the revolution of Arista and Durán continued, and Santa Anna re-

mained in the field with an army against them. Cholera broke out among the troops on both sides, however, and there was not much fighting of importance.

A glimpse of the situation in which Austin found himself may be had from a letter written to his brother-in-law, James F. Perry, on September 11. The cholera had abated somewhat, he wrote, but it was not expected that congress would convene for two weeks. He felt sure that he would obtain the repeal of the obnoxious features of the law of April 6, a reduction of the tariff and the establishment of regular mail service. However, he had now become convinced that it would be necessary to submit the question of statehood for Texas to the legislature of the various states and obtain the consent of three-fourths of them, as the constitution required. Some of his friends in Mexico City expressed the opinion that this course was the only one through which statehood could be legally brought about, but the existing political situation made success by this route very doubtful.

"The revolution is not yet over," he wrote, "and God knows when it will be. I have great confidence in the vice-president, Gómez Farias. If the heroes of the Cross (the party of religion and privileges) get the upper hand, it is difficult to say what they will do as to Texas matters, and it is very probable there will be a break up of the government. But there is no prospect that they will succeed at present. . . . . I intend to persevere to the end and effect what I came for if I can, regardless of time and expense."

In this spirit Austin continued his efforts. At times, however, he all but gave up hope of accomplishing

anything. The cholera broke out among the colonists in Texas in the meantime, and Austin began to hear of the death of many of his friends. John Austin and his wife and child were among the first victims, and others died during the summer. Finally, Austin's little niece, his sister's daughter, Mary Perry, of whom he was very fond, was taken away by the scourge, and this caused him much sorrow. He became depressed and sick at heart, and when congress met again and did nothing, adopting dilatory tactics with respect to Texas, Austin's patience broke down. In desperation he called upon Vice-President Farias and very bluntly informed him that if something were not done soon to meet the situation he feared the colonists would take things in their own hands and set up a state for themselves. Farias regarded this as a threat and flew into a rage, and Austin left him with the conviction that it was futile to expect relief from the government. In this mood he resolved to recommend to the colonists to proceed to organize a state government, without waiting for the consent of the federal authorities.

"I am so much afflicted by accounts of the deaths by cholera in Texas," he wrote to Perry, "that I can scarcely write anything. . . . Whether it has taken you all off is uncertain. I am too wretched to write much on this subject or any other. . . .

"I will try to get home as soon as I can. There has been no meeting of Congress since early in August until a few days since, so that nothing is done. I shall wait but a short time longer. I am tired of this government. They are always in revolution and I believe always will be. I have had much more respect for them than they deserve. But I am done with all that."

This was written on October 2, the day following his stormy interview with Farias, and on the same day Austin wrote to the ayuntamiento at San Antonio advising it to take the lead in launching a state organization. Inasmuch as this letter subsequently became of importance, it is given here in full.

"In the letter that I addressed you on the 14th of August last," wrote Austin, "I expressed the opinion that the affairs of Texas would turn out favorably. Since then there have been very few sessions of Congress on account of cholera. The events of the civil war also have delayed all public affairs in such a way that nothing has been accomplished, and I am sorry to say that in my opinion nothing will be done, and that it is difficult to form an idea of the result of the civil war.

"In this state of affairs I recommended that all the ayuntamientos of Texas put themselves into communication with each other without delay for the purpose of organizing a local government for Texas, in the form of a state of the Mexican federation founded upon the law of May 7, 1824, and have everything ready to accomplish this in union and harmony as soon as it is known that the general congress has refused its approbation.

"This step is absolutely necessary as a preparatory measure, because there is now no doubt that the fate of Texas depends upon itself and not upon this government; nor is there any doubt that, unless the inhabitants of Texas take all its affairs into their own hands, that country is lost.

"I am firmly persuaded that the measure that I recommend is the only one that can be adopted to save us

from anarchy and total ruin. This being my conviction, I hope that you will not lose a single moment in addressing a communication to all the ayuntamientos of Texas, urging them to cooperate in the plan of organizing a local government independent of Coahuila, even though the general government should deny its consent."

Almost immediately after this letter was dispatched, things began to brighten up a little. Santa Anna finally had a decisive battle with the followers of Arista and Durán at Guanajuato, completely routing the rebels. The intriguing president was playing a double game, however, for while apparently crushing the party of "religion and privileges," his real purpose was to obtain leadership of the party himself, and with its support become absolute dictator of Mexico. But this did not appear on the surface for the time being, and the outlook for peace and for constitutional government seemed bright. Congress began to consider the question of repealing the provision of the law of April 6, excluding American immigrants from Texas. On October 22, a decree repealing this provision passed the chamber of deputies, and the senate took up the discussion of it. Writing to Perry the next day, Austin was more hopeful.

"It gives me much pleasure to inform you," he wrote, "that the decree repealing the 11th article of the law of the sixth of April, 1830, passed the chamber of deputies yesterday almost unanimously, and was discussed today in the senate, and two articles were approved (there are three articles in the decree) when the senate adjourned. There was strong opposition in the senate, on the ground that the government of the United States

would take Texas if any more were allowed to come in from that nation, and many other very foolish and absurd objections, but the majority were in favor of the law and I am told there is no doubt the other articles will pass tomorrow."

The other article was passed, but there were still delays and postponements. Statehood seemed further off than ever. Austin decided to make another effort to have this subject considered when Santa Anna should return to the capital. There had been some effort, probably prompted by Anthony Butler, to have Texas cut off from Coahuila and made a federal territory instead of a state, but Austin had opposed this move. He had become reconciled to the idea of having the United States purchase Texas as an alternative to statehood, but he opposed the plan of first making Texas a territory. He felt that territorial government was the only thing that could be worse for Texas than to continue as part of the state of Coahuila and Texas. For territorial government, unless followed immediately by the sale of Texas to the United States, would have meant local military government and the removal of the seat of final authority from the state capital, already too far away, to Mexico City. Moreover, it would have meant the transfer of authority over the public lands of Texas to the federal government, whereas statehood would place the public lands in the hands of the colonists themselves. American speculators were beginning to look toward Texas as a very promising field for operations, and Austin feared the evil effects of such operations as much as anything. What he desired was steady and substantial development of a character which would

insure that the men who settled the country and redeemed it from its wilderness state would reap the chief benefits. Statehood would go a long way toward insuring this, for it would place the destiny of Texas and the disposition of its public lands in control of these settlers. It was for this reason that he was willing to devote so much of his time and spend so much of his money in furthering the cause of statehood. And it may be said, in passing, that his stay in Mexico City was becoming very expensive.

"I have had to draw on Orleans for one thousand dollars," he wrote Perry on October 23. "This trip will cost me very dear, but I care nothing for that . . . if any good results to Texas and its inhabitants. All my desires and ambition are limited to the sole object of benefiting that country, though I must confess that some of the good folks there irritate me very much sometimes with their personal animosities and jealousies—but it is of short duration."

Santa Anna returned to the capital during the latter part of October, and on November 5 he had Austin appear before a meeting of the cabinet to discuss the whole Texas situation. At this meeting Santa Anna expressed himself as being favorably disposed toward Texas, and said that the petitions presented by Austin would be considered in a friendly spirit. However, he did not think Texas was yet possessed of the elements necessary to statehood. Further increase in population and greater development would have to be attained first. He would do everything, he said, to assist Texas in attaining these, and to this end he proposed to send troops to Texas to protect the colonists from the Indians and

thus promote further colonization. Austin said nothing in opposition to the proposal at the meeting, but he later told Santa Anna quite plainly that it would be a mistake to send troops to Texas. The suggestion was made by a member of the cabinet that Texas be separated from Coahuila and made a territory until it attained the elements necessary to statehood, but Austin opposed this firmly. The result of the conference was that the government agreed to practically everything the colonists prayed for except statehood. It was even promised that representations would be made to the authorities of the state of Coahuila and Texas urging reforms, especially of the judiciary system, including the establishment of trial by jury.

On December 7, Austin was summoned by the minister of relations to receive the final answer of the government to all of the petitions, thus bringing his mission to a close. The provision of the law of April 6, excluding American immigrants from Texas, had been repealed, and the minister officially notified Austin of this and of the further facts that recommendations had been made to the state government of Coahuila and Texas to provide legislation meeting the wishes of the Texans, and the petitions for tariff reform and mail service had been referred to the treasury department, which would act on them in due course. The question of a separate state, the minister said, was closed of necessity.

"The petition that the colonists of Texas addressed to the general congress for the formation of that portion of Mexican territory into a state absolutely independent of Coahuila," said the minister of relations, "was referred to the chamber of deputies on August 21 last,

attention being called to the importance of the matter and the desirability of prompt consideration thereof. Thus you have been informed in this office, and you have been advised of the measures that the government has taken in regard to that colony. One, among others, has been to urge the government of the state to secure for the colonists all the privileges of which they are worthy as Mexican citizens, in civil as well as criminal affairs. To this end were indicated the measures that ought to be put into execution for the most undeviating and suitable administration of justice in each branch. One method was the establishment of juries, wholly in conformity with the petition of the colonists themselves, without the government's being able to do anything else, because it was not within the scope of its authority. In regard to congress, you are already informed of the law that it has seen fit to pass, repealing the eleventh article of the law of April 6, 1830, and providing that this repeal shall not take effect until six months after its publication.

"His excellency, the president, orders me to make this communication to you, in order that you, who have been entrusted with securing a favorable outcome for the petitions of the colonists, may inform them of the result that has now been attained, in the conviction that, since the supreme government is disposed to favor their claims in all that relates to the development of that colony and to facilitate the administration of justice, you may assure them that it will help toward and use all its influence to secure this important object, and therefore that all improvements and reforms conducive thereto will continue, both for the purpose of

enabling Texas to become a state or territory of the federation and to secure meanwhile good order in its internal administration.

"In regard to the other petitions that you have urged concerning the establishment of mails and the reduction or removal of duties upon certain articles, they have been referred to the treasury office, and through it you should be informed of the decision of the supreme government."

This seemed to be all that could be accomplished for the time being, and Austin determined to advise the colonists to be content with it. In this frame of mind he started on his homeward journey on December 10. He felt he had accomplished something, in any event. The status which existed prior to 1830 had been restored, and some progress beyond that had been attained. The influence of the federal government was now brought to bear upon the state government to give Texas greater consideration in the future and to seek to avoid the evils which had prompted the petition for statehood. With immigration started again the population of Texas would grow rapidly, and the next time statehood was asked for it could not be so easily denied. Austin resolved to stop at the state capital on his way home and to urge that there be no delay in putting into effect the recommendations of the federal government, in order that the colonists might adjust themselves with some degree of patience to the decision of the authorities in the matter of statehood. Austin abandoned, of course, the proposal that the colonists should set up a state government in spite of the refusal of congress.

But Austin was to hear more of that proposal before he got back to Texas again. For, at the very time he was journeying from Mexico City to Texas, a collection of documents was on its way to the national capital which was destined to bring it to his attention in a forcible manner. The letter Austin had written to the ayuntamiento of San Antonio had been received by that body in a very unfavorable manner. In spite of the fact that it had taken practically the same stand itself several months before, the ayuntamiento sent a reply to Austin expressing a curious indignation that such a proposal should be made to it. The reply, which was drawn up on October 31, read as follows:

"The honorable ayuntamiento of this town, being advised of the official letter which you directed to it, dated the 2nd of this month just passed, has seen with the greatest regret and surprise the exciting plea which you make to them that not a moment be lost in directing a communication to the rest of the department and treating with them in order that Texas may separate from Coahuila and establish a local government for itself, even though the general government refuses its consent. It is certainly very regrettable that you should breathe sentiments so contrary and opposed to those of every good Mexican, whose constitution and laws prohibit in a positive manner this class of proceedings, as you very well know, and when the ephemeral support which it is believed to have in the general law of the 7th of May, 1824, is entirely apparent to the most moderate political capacity of the country. Thus it is that this corporation neither can nor ought, nor even wishes, to follow your suggestion, and it begs that

you cease writing to it in regard to this matter, because you know very well what these communications render one liable to, considering the laws and orders of the state, which must be obeyed, and which up to the present time there has been no reason to violate in so brusque a manner as you propose—especially as there is wanting any reasonable ground which could be sustained once the enterprise were begun.

"Much has already been said in what has been written concerning the separation of Texas from Coahuila, and much more that you heard here personally, showing you clearly that we have none of the elements, physically and morally, for sustaining a local government. It is beyond all doubt, therefore, that this project neither can nor ought to be entertained by any citizen of Coahuila and Texas who recognizes the interests of his country and of himself.

"In conclusion, this corporation entreats you, inasmuch as the state of revolution in which the colonists of this department, especially that of which you are empresario, have been placed since last year seems about to be terminated by the measures of leniency and prudence which the supreme government of the state has lately decreed, that you bethink yourself and do not provoke a new motive for disturbance, which, as you will see if you clearly examine it, must be more injurious to the colonists than to anyone else, and particularly to yourself. We desire the progress of this country, and with it our own and that of the colonists established in it, our colaborers for the attainment of the desired end. But we desire that this end be attained by legal and peaceful measures which shall not jeopardize the

tranquillity of the department, and that we may assure to ourselves and to our children forever the possession of the properties that we acquire in it; and there is no doubt that the measure which you propose is exceedingly rash."

Having drawn up this reply to Austin, the ayuntamiento then transmitted his letter to the political chief of San Antonio, together with a copy of the reply. The political chief in turn transmitted both documents to the governor of the state, adding some remarks of his own. He said that the ayuntamiento's reply to Austin showed "in the clearest manner the lively and patriotic sentiment of that body," and he assured the governor that it reflected the sentiment of the majority of the inhabitants of his department. The governor then sent all the documents—Austin's letter, the ayuntamiento's reply, and the comments of the political chief—to the president, adding to the collection a letter of his own of the same general tenor as that of the political chief. The packet reached Mexico City shortly after Austin had begun his journey home. Santa Anna had again gone into retirement, this time on a plea of ill health, but really to mature his plans for making himself dictator, as the leader of the reactionaries and centralists. It was Gómez Farias, therefore, who received the documents, and he immediately took alarm and sent messages hastily to every state between the capital and the American border ordering that Austin be arrested on sight. Similar messages were sent to all the military commandants.

Austin had left the city openly in a public conveyance, traveling in the company of a member of congress,

and as he was unaware of the fact that his arrest had been ordered, he made no attempt to conceal himself or to escape. He arrived at Saltillo on January 3, 1834, and called on the military commandant, whom he had been trying to overtake since leaving San Luis Potosí. The commandant promptly placed him under arrest and informed him that he must return to the capital.

It was characteristic of Austin that his first thought should be to safeguard the colonists against any possible consequences of his arrest. He very naturally feared the news would cause indignation among them and that some rash action might be taken which would result only in harm to their interests without helping him. Accordingly when he arrived at Monterey, whence he was taken before being returned to Mexico City, he wrote a long letter to the ayuntamiento of San Felipe de Austin announcing his arrest and recommending that the colonists remain tranquil and refrain from any revolutionary action. He asked that the letter be published, and this circumstance, together with its contents, leaves no doubt that it was written for Mexican eyes quite as much as for the colonists.

"I have been arrested by an order from the minister of war," he wrote, "and leave soon for Mexico to answer to a charge made against me, as I understand, for writing an *oficio* to the ayuntamientos of Texas, dated 2nd October last, advising, or rather recommending, that they should consult themselves for the purpose of organizing a local government for Texas, in the event that no remedies could be obtained for the evils that threatened that country with ruin.

"I do not in any manner blame the government for arresting me, and I particularly request that there may be no excitement about it.

"I give the advice to the people there that I have always given: Keep quiet, discountenance all revolutionary measures or men, obey the state authorities and laws so long as you are attached to Coahuila, have no more conventions, petition through the legal channels, that is, through the ayuntamiento and chief of department, harmonize fully with the people of Béxar and Goliad, and act with them.

"The general government are disposed to do everything for Texas that can be done to promote its prosperity and welfare that is consistent with the constitution and laws, and I have no doubt the state government will do the same if they are applied to in a proper manner.

"It will be remembered that I went to Mexico as a public agent with specific instructions and, as such, that it was my duty to be governed by them and by the general wish of the people as expressed to me. Also that, when I left in April, the general wish did express itself for the separation from Coahuila and the forming of Texas into a state of this confederation. Also that there was a determination to organize a local government at all hazards, if no remedy could be obtained.

"I have in all my acts conformed to this public wish of the people, so far as I was informed of it, and when I despaired of obtaining any remedy, as I did the beginning of October, I deemed it to be my duty as an agent to inform the people so; and, believing as I did

that they would organize, I also considered that it would be much better to do so by a harmonious consultation of the ayuntamientos than by a popular commotion. These were my reasons for the recommendation given in that *oficio;* also, the result of the civil war was thought to be doubtful.

"I understand, and I rejoice to hear it, that public opinion has settled down on a more reasonable basis, and that most of the ayuntamientos of Texas have expressed their wish to proceed in a legal manner to seek redress. I ought to have been informed of this change, but I was not, and knew nothing of it to a certainty until the 5th of November, so that up to that time I acted under the impressions I had when I left Texas in April. Since then I have not moved the state question.

"The past events in Texas necessarily grew out of the revolution of Jalapa, which overturned the constitution and produced the counter revolution of Vera Cruz, which extended over the whole country and involved Texas with the rest. It is well known that it was my wish to keep Texas, and particularly the colony, out of all revolution, and I tried to do so; but the flame broke out in my absence from Texas, in June, 1832, and since then all has been completely disjointed. A current was set in motion by the general events of the civil war all over the nation, and under the circumstances Texas could not avoid being agitated by it. No one can be blamed in any manner for what has happened since June, 1832, in Texas—it was inevitable—neither was it possible for me to avoid being drawn into the whirlpool. It was my duty to

serve the country as an agent if requested to do so; and as an agent it was my duty to obey my instructions as expressed to me.

"I have long since informed the ayuntamientos of Texas of the repeal of the law of April, 1830, and of the favorable and friendly disposition of the government, and by this I of course rescinded, or annulled, the recommendation of 2nd October, for that was predicated on the belief that nothing would be done, and that the result of the civil war then pending was even doubtful. Since then all has changed for the better, and public opinion in Texas has become sound, and shaken off the excitement that necessarily grew out of past agitations.

"Under these circumstances the prospects of Texas are better than they ever have been. The national revolution is ended, a constitutional government exists, the people are obedient to the government and laws, everywhere. Be the same in Texas, and have no more excitements, tolerate no more violent measures, and you will prosper and obtain from the government all that reasonable men ought to ask for.

"The last year has been one of calamities for Texas—floods, pestilence, and commotions. I hope the present year will be more favorable. I request that you will have this letter published for general information, also the enclosed copy of the answer given to me by his Excellency the minister of relations. You will see by this answer the very favorable and friendly disposition of the general government to make a state or a territory of Texas, and do everything else within its constitutional powers for the good of that country.

"I consider my agency for Texas as terminated; but this will not prevent me from doing all I can for the good of that country, on my own individual responsibility."

Austin, of course, felt no such confidence in the Mexican government as he expressed in this letter. But undoubtedly the federal officials, especially Farias and the members of the cabinet, sincerely believed their attitude toward Texas to be more than liberal, and Austin was aware of that fact. The view he expressed was the Mexican government's view itself and within limits it was not entirely an unfaithful reflection of the federal government's attitude with respect to Texas at the moment. The government's new attitude toward Austin, however, was ironic in the face of the fact that far from being the radical agitator which he was now pictured to be, he was a conservative force among the colonists. It was characteristic, indeed, that at the very moment of his arrest he should seek to prevent radical action. In this he was sincere, for things were really better than they had been for three years. His arrest was the only dark cloud on the horizon, for, as Austin remarks in the letter quoted above, it did seem that the national revolution was at an end and that constitutional government had been firmly established throughout Mexico. It did seem that the Mexican government, while denying statehood to Texas, would do everything to promote the welfare and progress of the colonists. There is no reason to doubt that the communication of the minister of relations truly reflected the policy of Farias and of the cabinet with respect to the future of Texas. Disturbances

over Austin's arrest might spoil all this and bring the colonists into conflict with the government at the very moment that a more liberal policy was being inaugurated. It was for this reason that Austin sought to reassure the colonists and advised them to keep quiet and obey the laws.

Austin realized that his imprisonment would likely last some time, but being conscious of no guilt he felt the outcome would be satisfactory in the end. He wrote Perry that it was probable he would be detained as much as a year. "Give yourselves no kind of uneasiness about this matter," he added, however. "It can do no other harm than the delay and expense. All I can be accused of is that I have labored most diligently and indefatigably to get Texas made a separate state from Coahuila, and this is no crime, nor no dishonor. . . . I hope there will be no excitement about my arrest. It will do me harm, and no good to Texas; that is, unless I should be unjustly dealt by. In that case there will be cause for excitement."

That he still was uncompromising on the question of the necessity of the Texans being permitted to govern themselves is shown by a letter he wrote to Rafael Llanos, a member of the Mexican senate, with whom he had maintained relations of intimate friendship ever since his first visit to Mexico City in 1821. In this letter, which was written at Monterey the same day he wrote to the ayuntamiento of San Felipe, Austin defended his whole course since coming to Texas, and declared he was conscious of no wrongdoing. In what, he asked, consisted the crime of laboring thirteen years to settle Texas, and spending time and money to secure

a remedy for the evils suffered by it, thereby preventing ruin of it and loss to Mexico? He pleaded guilty to the charge that he had had great plans for Texas. He wished, he said, to take from his native land and from all countries the best they contained and to plant it in his adopted country. He wished to convert Texas from a wilderness to a civilized country.

"You have been my friend since 1821," he wrote. "In this letter I have told you my desires and plans for Texas. I was not born in a wilderness, and have not the patience of the Bexarenos and the other inhabitants of the frontier, who daily endure the burdens that their fathers and their grandfathers and perhaps their great-grandfathers suffered, without advancing a single step or thinking of advancing. Death is preferable to such a stagnant existence. . . . I have labored in good faith, shouldering all kinds of responsibilities for the good of my country; but at the same time I owe duties to the people who have emigrated to the desert at my solicitation. And they also owe to themselves and their families the duty and the right of self-preservation. If there were no other way to accomplish this than by separation from Mexico and union with the North, or maintaining independence, it is very clear that it would be their most sacred duty to attempt it. But," he declared, "everything said by rumor and partial reports concerning the projects in Texas to separate from Mexico is false—there have been no such projects, and there are no such now. What they wish there is a regulation of the internal government in order to prevent disorders, tumults, and divisions which would undoubtedly lead to revolution. . . . I

have said and thought that the local government of Texas ought to be regulated, or the country ought to be sold to the United States of the North, in order to get some profit from it before losing it; and the Mexicans with whom I have talked, and who fully understand the matter, are of the same opinion."

Such were the feelings with which Austin faced the prospect of imprisonment. His captors returned him to Mexico City, where he arrived on February 13. Without being taken before a court of any kind, he was thrown into a dungeon of the old prison of the inquisition and it was ordained that he should be held *incomunicado*. He was not permitted to communicate with anyone or to mix with other prisoners. He was denied the privilege of writing letters or receiving any. He was shut off entirely from his friends, and from the outside world.

For three months—from February 13 until May 9, when he was permitted to visit other parts of the prison, and to write and receive letters—this regime was rigidly maintained. On two occasions Padre Muldoon, who had formerly lived in the colony, was permitted to speak to him in Spanish in the presence of the guard, and there were one or two visits from officials with respect to the case. That was all. He had access to only three books during all that time, one being an indifferent story.

The dungeon in which he was confined has been described by Austin himself. "My room," he wrote at the expiration of those terrible three months, "is about fifteen feet by thirteen—very high ceiling—two doors, one flush with the outside surface wall, the other

near the inside surface and within the wall, which is about three feet thick, of large hewn stone. The latter door has an oblong hole large enough to admit a plate; the other is solid. Both were always locked and bolted. . . . No windows, a very small skylight in the roof which barely afforded light to read on very clear days, when the sun was high, say from 10 to 3 o'clock. Quite free from damp except such as would naturally result from the want of free circulation of the air. There are nineteen similar dungeons in this range, with the difference that some are a little larger than mine, the most are the same size. They are in the interior of this extensive building and the doors open into an oblong *patio* or open court about one hundred and twenty by sixty feet, which has a veranda or gallery all round it supported by pillars and arches, a fountain of good water from the aqueduct in the center. This part of the building is one story, but is surrounded on every side by other parts of the same building that are two stories and present a solid wall above our range, without windows that work into this *patio*. On two sides of the base of the two-story wall before mentioned there are *solederos*, or sunning places, which are spaces about fourteen feet square (one is much larger) ranged along the back of the dungeons and between them and the before-mentioned two-story wall. They are separated from each other by high walls. Each has a door, locks, etc., open above for the sun. They communicate with the *patio* by arched passages.

"When I came in, each dungeon had its occupant, and all were *incomunicado* the same as myself. All the doors were locked and bolted. No one came into the

patio except the sentinel. All was silent. Each one was taken out about two hours in the middle of the day and put into one of the *solederos*, or sunning places, alone and locked in. . . .

"Padre Senoneto Mier, a very distinguished patriot, was confined in the same dungeon I am in by the tribunal of the inquisition in its time, and also by the emperor Iturbide. I visited him here in this room in October, 1822. He was a member of congress, and was arrested the 20th of August with fourteen other members. General Morelos, the most distinguished of the generals in the beginning of the revolution, was confined in a dungeon near mine in this range, from which he was taken to be shot. In short, each one of these dungeons has some tradition of the sufferings of some victim of the inquisition or of the revolution."

A journal which Austin kept during this period, consisting of a small blank book which he managed to conceal when he was searched on his arrival at the prison, and in which he made entries from time to time, reflects his moods and discloses some of the thoughts which occupied his mind. Much of his reflection was concerned with the future of Texas, the destiny of Mexico, and with government in general. He returns again and again to the theme that the interest of Texas demands union with Mexico, and that local self-government is necessary to insure such union. But there are entries of a more personal nature.

"What a horrible punishment is solitary confinement!" he wrote on February 22, after having been ten days "shut up in a dungeon with scarcely light enough to distinguish anything. If I were

a criminal it would be another thing, but I am not one. I have been ensnared and precipitated, but my intentions were pure and correct. I desired to cement the union of Texas with Mexico, and to promote the welfare and advancement of my adopted country, by populating the northern and eastern frontier. I have been impatient, and have allowed myself to be compromised and ensnared by the political events of last year and by the excitement caused by them in Texas. I do not see how I could have avoided what has passed in Texas; my conscience acquits me of anything wrong, except impatience and imprudence. I am in no sense a criminal. A public agent should sacrifice himself, life and property, should it become necessary in order to carry out the views of his constituents. I perhaps have followed this rule to an extreme."

An entry the next day shows that his thoughts had been dwelling on this general subject, and that he was growing tired and homesick. "Philanthropy," he wrote, "is but another name for trouble. I have labored with pure intentions to benefit others and especially to advance and improve my adopted country; and what have I gained? Enemies, persecution, imprisonment—accused of ingratitude to Mexico, which is the most unjust of all accusations that can possibly be brought against me. If I have been ungrateful to anyone, it is to myself and family, for I have neglected my and their interests and happiness to labor for others. My poor sister, who removed to the wilderness of Texas with her large family owing to my solicitations, and left a comfortable home and a large circle of warm

and kind friends. My poor sister, how much is she now suffering on my account! How happy I could have been on a farm alongside of my brother-in-law, far from all the cares and difficulties that now surround me. But I thought it was my duty to obey the call of the people and go to Mexico as their agent. I have sacrificed myself to serve them, and in all probability the only return I shall receive will be abuse and ingratitude."

And then, as if appalled to find himself expressing such a cynical thought, he adds immediately: "It is horrible that I should have lived to find myself on the verge of misanthropy, soured and disgusted with mankind."

Padre Muldoon had promised to send him books to read and, more than a week having passed without receiving them, Austin noted this fact, and added: "I prefer bread and water with books, to the best of eating without them. In a dungeon, the mind and thoughts require aliment more than the body." He received very few books, however, but even those served to turn his thoughts away from himself, and the entries in his journal after the first two weeks are more impersonal and less moody. But such confinement would be calculated to undermine the health of a more robust man than Austin, and his had been failing for some time before his arrest. Indeed, in November, 1832, he had written Músquiz, the political chief at San Antonio, that he was contemplating a long rest. "I am settling up all my affairs," he wrote, "and in April I will go to the north for six months or a year." How differently things had turned out! Instead of going north in April

he had found it necessary to attend the convention of the colonists, and then all his plans had been upset by the action of the delegates in asking him to go to Mexico in the interest of Texas. Other men placed their private affairs above the public service. The other two commissioners, Miller and Seguín, had found good and sufficient excuses to beg off. But Austin had answered the call to public duty. Then had come the five weeks at sea on a small schooner, buffeted by unfavorable winds, with only coarse salt food with very little fresh water, all of which had continued to affect his health. With the summer had come the terrible scenes of the cholera in Mexico City and the sorrow for friends and relatives dying of the scourge in Texas. And finally solitary confinement in an inquisition dungeon!

It was a terrible year for Stephen Austin, and he never completely recovered from its effects. And yet he could write with sincerity, "Much substantial good will result to Texas from my sufferings, and I am content."

CHAPTER XXIII.

A PRISONER AT THE CAPITAL.

THE situation in Texas had improved decidedly, so far as the relations of the colonists to the government were concerned, at least on the surface. Filisola's "mission" had never been fulfilled, for the reason that he was without sufficient force to spare any troops for Texas. Instead of receiving reinforcements, he was not even supplied with funds to pay such men as he still had at Matamoros, and in consequence the number of troops under his command dwindled. The Texans, therefore, were given no trouble by the presence of Mexican garrisons, and as time passed the rumors that it was the intention of the government to reoccupy the forts in Texas died down, or were not given credence. Late in November, 1833, Filisola was relieved, and Gen. Pedro Lemus was made commandant of the eastern internal states in his place, but Lemus did nothing so far as Texas was concerned, and made no attempt to send troops north of the Rio Grande. There were troops at San Antonio and Goliad, of course, but none among the Anglo-American colonists.

The summer of 1833 had been so filled with disasters of another character that very little attention was given by the colonists to the affairs of government. The cholera epidemic had swept over them during the months of August and September, and had taken a heavy toll of life. In Brazoria alone there were about

eighty deaths from the disease, an enormous number when the comparatively small population is considered. The people were overwhelmed with such a degree of fear of the scourge that frequently the dead were left unburied. As has already been noted, some of the leading men were cholera victims, and other substantial colonists moved back to the United States.

The cholera had the same disorganizing effect upon the economic affairs of the people in Texas as was the case in Mexico City. But to complicate this situation disastrous floods along the Brazos, the Colorado and other streams devastated a wide area, destroyed the crops and caused much property damage and some loss of life.

The people had other things to think about besides the question of statehood—and other things to do. The question of getting as much as possible out of their crops was the paramount one with many of them, and the general question of restoring prosperity by attempting to recover during the next season was of chief concern to the communities as a whole. The public sentiment which had brought about the April convention and had disregarded the judgment of Austin that it was inadvisable to draw up a state constitution had almost disappeared. Sam Houston apparently had left Texas, probably to return to the Arkansas territory, for there is no record of his presence among the colonists. While Austin still was urging the question of statehood at Mexico City, therefore, interest in it among the Anglo-Americans in Texas had become less keen, and at the time of his arrest the colonists could hardly be said to have been in a humor to carry out the pro-

gram Austin had proposed, even if the occasion for it had arisen. While there was some excitement, of course, over the news that Austin had been arrested, it is nevertheless a fact that it was not until March 27 that his letter to the ayuntamiento of San Felipe was published, more than two months after it was written at Monterey, and more than a month after Austin had been placed in solitary confinement in an inquisition dungeon! And still another month was permitted to pass before any move was made by anybody in Texas in connection with Austin's defense. On April 28 the ayuntamiento of San Felipe drew up a memorial to the federal government in his behalf, which was the first step taken following his arrest on January 3. Austin, to be sure, had requested that there should be no excitement about his arrest, as it might do him harm, but he had specifically requested that his letter be published. Moreover, he had said that if he was "unjustly dealt with" there would be "cause for excitement," and solitary confinement, without being given the opportunity to defend himself, or even to consult his friends, certainly bordered on unjust treatment.

However, in justice to the colonists, it must be said that they were genuinely concerned about Austin's plight, and his request that they remain quiet and engage in no more agitations was partially responsible for their course. But it is also true that the temper of the colonists had changed during his absence. The continued freedom of Texas from any interference from the federal government, the entire absence of troops, the non-enforcement of the tariff laws and of

the law of April 6, 1830, and the occupation of the minds of the colonists by other matters had brought about this change before the completion of Austin's mission at Mexico City. Then the repeal of the law of April 6, the disposition of the federal government to grant relief in other matters, and finally the enactment of favorable legislation by the legislature of Texas and Coahuila had made it easy to fall in with the policy of quiet suggested in Austin's letter.

The favorable state legislation was particularly significant of the changed situation. The legislature had begun its session at Monclova two days before Austin was arrested at Saltillo, the capital having been moved from the latter place to the former several months before. It adopted a large number of measures calculated to cure the situation in Texas. For some time Texas had been divided into two departments, that of Nacogdoches and that of Béxar, Austin's colonists being in the department of Béxar and under the political chief at San Antonio. The legislature now created the new department of the Brazos, extending from the Lavaca river to the watershed between the San Jacinto and the Trinity, thus including all of Austin's original colonies. An Anglo-American, Henry Smith, was made political chief of this department, thus increasing the degree of local self-government. Texas was also given an additional member of the state legislature, and four new municipalities—Matagorda, Mina (Bastrop), San Augustine and San Patricio—were created. The judiciary system was reformed in such a way as to provide for trial by jury in criminal cases, and the use of the English language in official docu-

ments was legalized. In short, the legislature did practically everything within its power to create conditions favorable to the growth of the Anglo-American settlements, and as the repeal of the law of April 6 was shortly to go into effect, thus reopening Texas to American immigration, the outlook for the future was bright.

Austin would have been more than human if his gratification over this turn of events had not been tempered by his own sufferings. He was indeed gratified, but the fact that he, who had been chiefly instrumental in obtaining consideration of the grievances of the colonists, should be thrown into prison while others who had been his leading critics and the advocates of violent courses, which he advised against, were free, presented an ironic spectacle which he could not fail to notice. His recognition of it found expression in an intimate letter which he wrote to his brother-in-law, Perry, the first day his jailers permitted him to write to anyone.

"I was imprisoned," he wrote, "for urging the claims of Texas that were confided to me as an agent with more determination and obstinacy than was consistent with my personal security or welfare, but nothing more. I accepted the agency with reluctance, but in good faith, and conformed to what I had every right to believe was the general wish of the people so far as the convention expressed that wish. Much good will result to Texas from my sufferings. The state government has been stimulated to apply proper remedies in many things, and some of those who would have ruined the country and thrown it into confusion merely

from personal feelings and low, mean jealousies toward me, are now satisfied and rejoicing and are in favor of peace and quietness, because they think I am suffering. Others who were restless and dissatisfied with me and with everything without knowing why, are more calm and reasonable, and others who were my enemies a year ago, have no doubt had the magnanimity to do me justice. This conduct (if it be true, as I am told it is) will do them honor and be remembered to their advantage at some future day when all personal feelings have passed. My own personal friends (and the mass of the honest and laboring farmers are so) have always been in favor of peace and quietness and opposed to turbulence. They have no doubt blamed me for suffering violent men to involve me as I have done. They have seen that I have permitted myself to be thrown into the mire by others whose sole object was my ruin. I was unsuspicious and acted in good faith. The fact is that, when a few persons combine to ruin another who is unsuspicious and acts in good faith, it is very difficult for him to escape.

"Thus it is that those who a year ago were the most vociferous for a state government, and the most turbulent, are now for peace. They have, in fact, adopted my own principles, which always have been for *peace and submission to the laws and no revolutions*. If ever I wandered from those principles, it was because public feeling was so disordered and things were so disjointed that my opposition would have increased the evils and in all probability caused a great deal of confusion. I yielded from this motive, *and yielded in good faith*, and not to undermine or counteract. Thus

STEPHEN F. AUSTIN
(From a Miniature Painting)

my own principles of peace and quietness are now predominant, when, had I attempted to have made them prevail by direct opposition to violent measures, the reverse would have been the case.

"It is very evident that Texas must become a state at some future day, and not very distant. All will be in favor of it. The attempt that has been made was premature and totally wrong as to the measures. The particular act which involved me in all this was the calling of the convention in my absence. I yielded after my return. In so far as I am to blame in agreeing to these measures I am ready to be censured. They grew out of the situation of public feelings at the time. It would have been worse than useless for me to have opposed them. The only way I could have done it was to enter into them in bad faith, so as to defeat and counteract them. Such a course I did not think was correct or honorable. On my arrival here I could have put the state question to sleep. If I had done so those who now blame me for an excess of zeal would have been vociferous on the opposite extreme. All those things are mere matters of course. In short, it is mankind. The only substantial matter in this business that is worthy of consideration is *that much substantial good will result to Texas from my sufferings*, and I am content. As to office and public employ, you know that I have always been averse to it. I am more so now than ever. I am no officer nor no demagogue seeking popularity. I have tried in good faith to do all the good I could to everybody."

On May 9 the rigid isolation in which Austin had been held was relaxed, and he was permitted to visit

any part of the prison during the day, his dungeon being locked only from 9 o'clock at night until sunrise. He was also permitted to receive visitors and to write and receive letters. But his imprisonment continued, and he was not even informed of the precise character of the charge against him.

"I have no idea when I shall be at liberty," he wrote Perry. "I think that all depends upon the report of Almonte, who has been sent to Texas and I presume is now there or on his way back. It is much in my favor that all remains quiet in Texas. I was confident that no friend of mine would try to get up an excitement, but I feared that my enemies would. Such a thing would have increased my difficulty, for I would have been blamed for it all. My confinement has been very rigid, but I am in good health and have borne it with considerable patience. I had no books the first month, and it was solitary enough. After that I prevailed on the sergeant to go to D. Victor Blanco, who sent some. He and Padre Muldoon have been firm and unswerving in their friendship to me in all the business; so has Ramón Músquiz and many others in Béxar who have written here in my favor. I have never complained of Vice-President Farias. He has been deceived. He has been made to believe, as I am told, that my object was to separate Texas from Mexico and deliver it to the United States of the North, which is absolutely false and without the shadow of foundation, besides being a great absurdity. In a moment of irritation I said to the Vice-President that if the evils of Texas were not remedied the public there would remedy them of themselves. This irritated him

very much and my difficulties commenced. The truth is I lost patience and was imprudent and of course to blame, for patience is necessary in such cases. I hope that no friend of mine will blame the Vice-President or complain of him. I put on the one side all considerations of personal safety or consequences to myself and thought only of suffering Texas and the fevered and excited situation of my constituents. Had I erred for a want of zeal or industry or diligence in the discharge of my duty as an agent, all would have had cause to censure me, and my own conscience would have been the first to do it, for nothing can be more sacred than a public agency. My conscience is at rest. As an agent I did my duty and only erred from excess of zeal to do it. Good has resulted even from that error, if it was one. I am suffering, but the evils of Texas are remedied. This idea consoles me for my misfortunes and enables me to bear them firmly."

The Almonte referred to by Austin was Col. J. N. Almonte, who had been sent by the federal government of Texas to make a general inspection and to report on all matters concerning conditions among the colonists. He had not arrived in Texas at the time of Austin's letter quoted above, but he spent July and August making a tour of the settlements and inquiring into the condition and progress of the three departments into which Texas had been divided. But meantime Austin had begun to believe that the colonists were indifferent to his fate. Indeed, certain enemies had spread the report in Mexico City that the Anglo-Americans in Texas had repudiated him and that they did not care to have him return. There was no truth

in this report as to the colonists as a whole, for even those who had been opposed to him on questions of policy, like W. H. Wharton, and who still disagreed with him in respect to his method of dealing with the Mexican government, were nevertheless genuinely concerned about his fate. However, there were certain individuals who had become connected with vast schemes of land speculation, at the head of which were certain Americans, who did what they could to create an unfavorable impression of Austin's character in government circles. There is evidence that about this time a plan was being hatched by speculators, in cooperation with a few Mexican republican leaders, to bring about the separation of Texas from Mexico, and thus make vast sums of money for themselves in handling Texas lands. A letter from a Mexican named J. Gutiérrez to Martin Van Buren, then vice president of the United States, discloses this scheme. Gutiérrez wrote that Austin was the only man living who could block the move, and that they were about to get rid of this chief obstacle, when Santa Anna returned to Mexico City on April 24, reassumed direction of the government, and thus saved Austin. It is significant in this connection that it was shortly after Santa Anna's return that Austin's isolation in prison was relaxed and the order making him *incomunicado* was revoked. One report current about this time was that Austin was to be deported to a penal settlement in California for ten years.

In the face of these reports, early in July Austin wrote to Oliver Jones, one of the Texas representatives in the state legislature, and Samuel M. Williams, sug-

gesting that the ayuntamientos might make representations to the federal government in his favor. As has been noted, this had already been done by the ayuntamiento of San Felipe de Austin on April 28. The newly organized ayuntamiento of Matagorda had taken similar action on May 17 and that of Liberty had acted on May 31. R. M. Williamson was alcalde of the San Felipe ayuntamiento, and William Barrett Travis was secretary; and, as both of these men had been inclined to side with the radical wing of the colonists, they could say with emphasis that Austin's policy had always been one of submission to the authorities. The memorial which they sent to the government set forth that prior to going to Mexico City Austin had opposed the project of statehood, and that it was for this reason he had been defeated for the presidency of the convention of 1833; that he was sent to the capital solely because of his known influence with the government and in spite of his personal sentiments; and that everything he had done, including the writing of the letter to the San Antonio ayuntamiento, was done in a representative capacity. The people of Texas as a whole desired separation from Coahuila, and if there was anything criminal about that it should be charged against the people as a whole, and not against Austin. For, instead of agitating the question among the people, Austin had always advocated moderation. The Matagorda memorial declared that the people recognized in Austin "the father of a colony, who had dared the dangers and solitude of a wilderness; nor feared the lair of the beast, nor the track of the savage; who had planted the foot of enterprise upon the lonely prairie;

who had raised the hum of industry on the banks of the streams and within the recesses of the forest; and who reclaimed from nature an apparent desert that he might deliver to his fellow man a country abounding in all the sweets and abundance required for their wants and by their wishes." If the ayuntamientos imagined that one who did so much for his country at the commencement of its existence could meditate such an injury as its separation from the Mexican union, they were convinced the criminal wish was not supported by the people. The memorial of Liberty implored the sovereign congress to release Austin, declaring that his letter was written in a representative capacity, and that, besides, it had done no harm.

Austin, however, was not aware that such action had been taken, and he expressed the wish to Jones and Williams that the ayuntamientos of Texas might do something of this kind in his behalf. Accordingly, the ayuntamientos of Mina, Gonzales and Brazoria adopted memorials, and the Matagorda ayuntamiento drew up a second one. They were all of the same tenor, but that of Brazoria was especially notable, inasmuch as it was drawn up by W. H. Wharton, who had little patience with Austin's methods, and who had published articles against them, even during Austin's imprisonment. Wharton disclaimed knowledge of the charges against Austin. "But," he said, "if it be true, as has been alleged by some, that he is suspected of having designs upon the integrity of Mexican territory, we reply that the allegation is a libel upon the people of Texas, as upon Austin. . . . His motto had uni-

versally been, the constitution and laws, federal and state, and on some occasions he has even aroused the feeling of some of his countrymen against him by advising a tame and humiliating submission to the indignities which had been heaped upon us. These are facts too notorious to be questioned, and to doubt them would be evidence of the weakest credulity."

It was then proposed that representatives of the colonists should be sent to Mexico City with all these memorials, and Peter W. Grayson and Spencer H. Jack volunteered to undertake this mission.

Meantime, influence was being brought to bear in other quarters. H. Meigs, an American, and a friend of Jackson's then secretary of state, Louis McLane, and a brother-in-law of John Forsyth, who subsequently succeeded to that office, interested himself in Austin's case early in May and, under date of May 30, wrote Austin that the American government had interceded in his behalf. To a certain extent this was true. Four days before McLane had written to Butler suggesting that he look into Austin's case. Butler, however, had no reason to love Austin, for not only was Austin opposed to the American minister's intrigues, but there was a personal enmity between them on other grounds. When Butler finally replied to this communication nearly two months later, he said that Austin was receiving his just deserts. "He is unquestionably one of the bitterest foes of our government and people that is to be found in Mexico," wrote Butler, "and has done more to embarrass our negotiations upon a certain subject than all the rest of the opposition together; and

I am very sure that he was the principal cause of my being defeated in the last effort to obtain a cession of Texas."

With such a representative as Butler at Mexico City it is not remarkable that the American government did nothing further in Austin's behalf. By this time Jackson had lost faith in his minister and had practically abandoned hope of negotiating the purchase of Texas. He had ceased to attach any importance to Butler's frequent assurances of "progress," and it is doubtful whether what the latter said against Austin carried any weight, either with Jackson himself or the American state department. The sum total of Butler's progress seems to have been the obtaining of assurances of assistance from certain Mexican politicians on the promise of the payment of bribes. Indeed, he already had exasperated Jackson with proposals of this character, and the president had decided to recall him. Butler had written a private letter to Jackson in October, 1833, in which he reported a conversation with "one of the most shrewd and intelligent men in the country," a man of influence with Santa Anna who held high official position, the purport of which was that the cession of Texas could be obtained by the payment of two or three hundred thousand dollars to a certain man of importance, and that it would be necessary to pay various sums to other parties amounting to another three or four hundred thousand dollars. Jackson, in reply, expressed amazement that Butler should entrust such a letter to the mails and told him quite plainly that the United States would have nothing to do with bribery. In March, 1834, he again wrote the president

a letter proposing that Jackson withdraw him from Mexico City and place him at the head of a movement to take possession of Texas forcibly. This was written at a time when Austin was *incomunicado* in the old inquisition prison and when things were quieter in Texas than they had been for two years. And yet Butler represented that it was an auspicious time to start such a movement, probably because Austin was out of the way. Jackson's notation on this letter reveals clearly the President's attitude. Here it is:

"A. Butler. What a scamp! Carefully read. The Secretary of State will reiterate his instructions to ask an extension of the Treaty for running the boundary line, and then recall him, or if he has received his former instructions and the Mexican Government has refused, to recall him at once. A. J."

Butler, however, managed to stay on, largely because of Jackson's policy of dealing gently with political friends. John Forsyth, who had now become secretary of state, was kept informed with respect to Austin, however, through his brother-in-law, Meigs, who received a number of letters from the prisoner during this period and later. The contents of these letters can only be guessed at today by reading between the lines of several letters from Meigs to Austin which are still preserved. But no further move in Austin's favor was made by the American government, and it is just possible that Austin expressed the opinion that such intervention would not help him very much, but on the contrary might lend color to the charge that he desired the separation of Texas from Mexico and its annexation to the United States.

Austin's confinement in the prison of the inquisition was continued until June 12, when he was moved to the prison of the Acordada. The military tribunal to which his case had been originally assigned decided it had no jurisdiction over it, and it was transferred to the civil courts. Here again the decision was "no jurisdiction," after a delay of two months, and it was sent to the court of the Federal District. As Austin was not a resident of the district, the court promptly made the same decision as the others, and the case was finally referred to the supreme court of the nation for the determination of the question of jurisdiction. There it rested.

Meantime, however, the story that Austin was to be banished to a penal colony in California for ten years was in circulation, and on the probability that it might be true one of his friends in Mexico City began to plan an escape. This was George L. Hammeken, an American, who was associated with James S. Wilcocks, the American consul general, in the conduct of a ranch about fourteen miles from the city. Hammeken and Wilcocks kept house and lived together on the ranch, and, as Austin and Wilcocks were close friends, Hammeken saw Austin frequently. A friendship sprang up between them, and Austin seems to have placed great confidence in his business judgment. In a letter written in 1844 to Guy M. Bryan, Austin's nephew, Hammeken relates the circumstances of the plan which he made for Austin's escape.

"The laws with regard to robbers have seldom been very actively in force in Mexico, since their separation from Spain," Hammeken wrote. "I was at the time (1834) acquainted (he called himself my friend) with

a certain Vicente Saldana—a bold, daring liberal—always opposed to the Gachupines (old Spaniards). When not engaged in public service this fellow would carry out his 'patriotic' sentiments in private. He assured me he never robbed a liberal—perhaps because your democrats are generally of the poorer class.

"Don Vicente would occasionally honor me with his company at breakfast or dinner on my farm, and if in a hurry would leave me a tired horse and take a fresh one from my stable—which, to do him justice, he always returned. This, though, he did not do with small amounts of cash, which he would sometimes condescend to 'borrow.' . . .

"I believe that uncertainty was the greatest torture Colonel Austin endured—his mind was too great to be affected by the comparatively trifling inconveniences of want of exercise and bad diet. At one time it was currently reported that he was to be banished for ten years to California. I told him whilst he was in the Acordada what an invaluable 'friend' I possessed in Vicente Saldana, and that he could be depended upon. The room in which Colonel Austin was confined had a window with a small balcony projecting over the street. Almost beneath this window is the principal entrance to the Acordada, before which a sentinel was constantly placed, and immediately at hand were placed the arms of ten or fifteen soldiers, who were generally lounging around during the day—at night everything appeared quiet, except the solitary sentinel.

"I explained my plan to your uncle, which as well as I can recollect was this—that on some dark night he should slip down from the balcony by a rope, that

my friend Vicente would be at hand and I would have horses near the prison, and we could be off before they could see in which direction we went. The Acordada is on the outskirts of the city, and near to it is the principal promenade, at the end of which several roads fork in different directions. Colonel Austin approved my plan, but remarked he would not attempt to escape in that way as long as he had a chance of getting clear, but as soon as he could ascertain that his case would be determined on unfavorably, we would then try it. I never mentioned these things to anyone living—not even to my partner Wilcocks, nor to Saldana. I told him merely that I had a good job for him in view, and to report himself as constantly as possible—he did so so constantly that when your uncle's prison was changed I was glad to get rid of him."

Nothing, therefore, came of this plan for Austin's escape. Incidentally, Hammeken's letter to Ryan throws light upon the personal relations between Butler and Austin during the period prior to the latter's imprisonment.

"Mr. Wilcocks," he wrote, "was the guardian of two Mexican young ladies residing with their mother in the city. I was very intimate with this family, and introduced your uncle to them before he was imprisoned. He was particularly pleased with one of them, and went frequently to the house. He became a favorite, not only with the family, but also with their immediate neighbors and friends. . . . Butler was also a visitor, and on friendly terms with the family to which I alluded. Mr. Wilcocks at a subsequent period represented to his government that he, Butler,

had made proposals of marriage, although at the time he had a wife living in the United States, to the same young lady for whom Colonel Austin showed some preference, which fact was probably known to Austin, and contributed to his contempt for that base man."

As Hammeken indicates, Austin was moved again to another prison, called the Diputación, situated in front of the plaza, in the heart of the city, and this made the plan of escape impracticable. It was in this third prison that Austin was confined when Grayson and Jack, the representatives of the colonists, arrived in Mexico City on October 15 and presented the memorials of the Texas ayuntamientos to Santa Anna. Besides these documents, they also brought with them a strong letter from the governor of Coahuila and Texas urging Austin's release. A report written by Grayson for Mirabeau B. Lamar at a later date, when the latter was collecting material connected with the history of Texas, gives the details of the efforts to obtain Austin's release. Upon being informed that Austin had been moved to the Diputación, Grayson says, he and Jack proceeded to the building, and "had no difficulty in procuring admittance to the room in which he was confined, with some three other prisoners, who were Mexicans."

"The delight he experienced on seeing us," continues Grayson, "may be more easily imagined than described, as he was now convinced that there was at least some sympathy felt for his condition on the part of those from whom he had naturally a right to expect it, however poor might be the prospect of any relief at their hands. After much conversation on various

matters, I asked him to inform me what was the nature of the charge or prosecution against him, and what the law which it was said he had offended. He replied that on that subject he was as entirely uninformed as myself, that he had not seen an official paper of any kind whatever relating to his case, and that he merely supposed his letter to the ayuntamiento of Béxar . . . had been the cause of the proceeding against him. It is worth while to observe that he had now been confined about nine months.

"The first thing we thought it most prudent to attempt was merely to procure his release on bail. This could only be effected by the exertion of personal influence with the Judge before whom his case was now in some sort pending, jurisdiction of it having been declined previously, as I understood, by one or two functionaries of that class. It is needless to detail here the various efforts that were made to influence the Judge to grant bail to the prisoner. Whilst these means were being employed, the papers of the cause, as it was called, were brought and delivered to the accused in compliance with the form usually observed in such matters.

"On examination they were found to be a huge mass of documents, if indeed such stuff deserved the name, a great part of which purported to be evidence. Much of this evidence, to our surprise, we saw consisted of floating and indefinite rumors that had been reduced to writing and thus made to assume a more imposing form. Among other things of this sort, I remember there was a letter, which had been written by an unknown writer at Matagorda, during the time of . . .

Austin's confinement, to the editor of a newspaper in New Orleans in allusion to his case, as connected with the affairs of Texas generally—now formally translated into Spanish and made to cut a serious figure in the prosecution. Of a character in no degree more relevant was all the rest of the evidence which came under my observation.

"We looked in vain for any paper in the nature of an indictment which might present the precise form and substance of the accusation. Everything was left to be guessed at and gathered, as one best might, from the chaos of papers such as I have described them—which had all been manufactured in the spirit of the inquisition, entirely *ex parte*.

"The cause, however, had been thus sent to the prisoner, that he might be enabled to make out his answer of defense. This he employed an advocate to do for him—it was accordingly done—and as I think in a very able manner.

"Of this gentleman, who was an advocate of much note in the city, I remember we enquired the law upon which the prosecution was proceeding. He frankly told us that he did not know it himself, remarking that neither he nor anyone else could say with any certainty what was law in Mexico, either in civil or criminal matters.

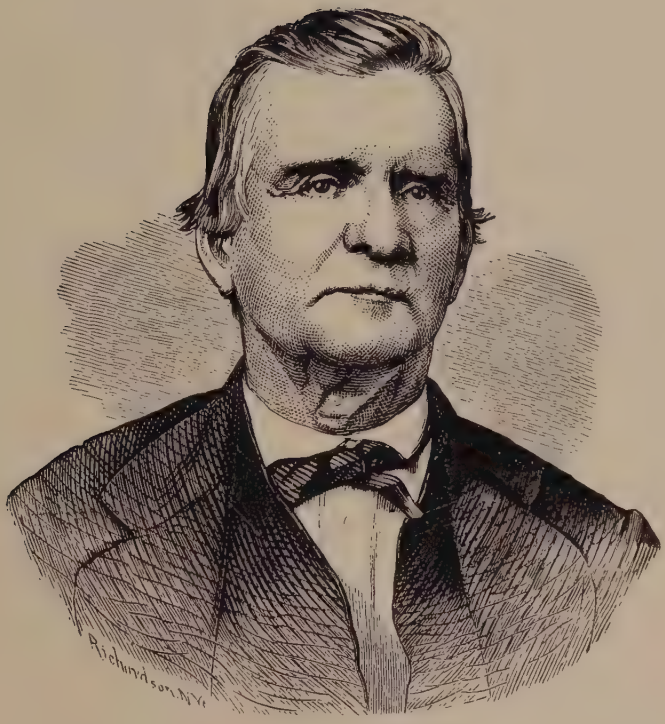
"Through all this uncertainty, however, and after much delay, bail was granted upon high security on the 25th of December, and the accused was at liberty within the bounds of the city. He who was accepted as security was a wealthy Mexican of the city, by the

name of Pascual Villar. The American consul, Dr. Parrot, generously offered his name, which was, however, not required.

"The discharge on bail we were disposed to regard in substance as an acquittal—in a country where mere rumor and suspicion stand in the place of legitimate evidence, and imprisonment for an indefinite period, at the pleasure of the Government, is the only means relied upon for securing the person of any one they expect to punish."

Austin, however, was not permitted to leave Mexico City, his prison thus being extended to include the limits of the city. Prior to the arrival of Grayson and Jack, Austin had become very impatient of the attitude of certain men among the colonists, and had written some very caustic things about them to Perry and Williams. He was so overjoyed when he realized that the colonists were acting in his behalf through Grayson and Jack, however, that he immediately wrote to friends in Texas retracting everything he had said, and asking that these other letters be destroyed and shown to nobody.

"I am pleased with the representation from Brazoria or Columbia signed by Waller and Wharton," he wrote. "I shall return to Texas as a farmer, determined to have nothing more to do with the public matters of this or any country. I wish for harmony. This is too important a matter for individual and public happiness and prosperity to be suspended or jeopardized by stickling etiquette, and under this view I am the first to say that no obstacles to personal harmony with all men will be raised by me on account of the past politi-



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cal events, although I am the only one who suffered by them. The Whartons have heretofore taken a hostile attitude, or at least an unfriendly one, towards me. They never had any cause, as I think, to do so. However, be it that W. H. W. [W. H. Wharton] is friend or foe, the representation above mentioned is calculated to benefit me and was evidently intended to do so, and I therefore thank him so far as he had any agency in it, and authorize you to tell him so, and also that I look on that measure as a *step* on his part towards personal harmony. If he intended it as such, I meet it with corresponding feeling, and if we do not shake hands as friends in future it will be his fault, not mine. John [Wharton] is of course included in these remarks."

This letter was written to Thomas F. McKinney on October 18, and just before Austin dispatched it he received the news that the department of the Brazos had elected him as its member of the state legislature, in spite of his enforced absence from Texas. Austin hastened to add a word expressing his gratitude for this mark of confidence. "No event of my life," he wrote, 'has afforded me more gratification, not because I desire office, nor to have anything to do with public matters—far from it, I sincerely wish to avoid them—but, situated as I now am, I should be worse than cold-hearted and insensible not to feel the greatest degree of gratitude and thankfulness for this distinguished and unequivocal evidence of the esteem of my fellow citizens and fellow laborers. Because it is a vindication of what is dearer to me than life or liberty—of my

reputation. I thank them. I hope it may be in my power to thank them by some act, some service more substantial than these words."

Six months were to pass, after Austin's release on bail, before he was permitted to leave Mexico City. Meantime, many things were happening in Mexico and in Texas and Coahuila which were determining his future and the course of history.

CHAPTER XXIV.

PROSPECT BRIGHTENS AGAIN.

DURING the time Austin was in prison the affairs of Mexico were rapidly reaching a crisis. Santa Anna, who had been scheming for more than a year to make himself leader of the movement of "religion and privileges," and through its agency to become dictator of the country, decided in April, 1834, that his hour had come. He had managed to keep himself clear from the futile attempt of the radical congress to reduce the church and the army from their privileged positions in the short space of a year, and the responsibility for that radical program was placed upon Farias. Almost from the first day congress had met a year before, reaction had set in. Throughout the year it had been growing, and in spite of Santa Anna's victory over the forces of Arista and Durán in October, it had continued to gain ground in all parts of the republic. Santa Anna had turned the affairs of the government over to Farias on December 16, 1833, and had retired to his estate on a plea of ill health. Thus, during the first year of his term as president, he managed to be absent from the capital about three-fourths of the time, serving scarcely three months in the office. He was playing a deep game; and when the situation shaped itself to his liking his health suddenly improved; he returned to the capital, and Farias stepped down for the last time.

The immediate events which gave Santa Anna his opportunity grew out of the proclaiming of a *plan* at Ecatzingo early in February, which proposed to set up a monarchy with a descendant of Montezuma on the throne. It was a crazy movement, and was without any serious support, but it caused alarm among the members of congress. Its authors were the curate Epigmenio de las Piedras and a certain Father Carlos Tepixtoc, and it contemplated nothing short of a restoration of the old dynasty of Montezuma, which the Spanish conqueror Cortés had overthrown three centuries before. It preached a war of races and invited the Indians to take up arms and demand an equality of rights. That the members of congress should take such a movement seriously is a significant commentary on their intelligence and rabid temper. They declared that the movement was the work of the clergy and so they embarked upon a program of reprisal. New drastic legislation was passed, culminating in a decree of April 10, providing that no person who participated directly in the "arrest and assassination of Guerrero" should be permitted to belong to the Mexican army. The storm of reaction then burst over the country, and on April 24 Santa Anna again appeared in Mexico City and took over the government.

Mexican liberals blamed Farias for not placing Santa Anna under arrest as a conspirator against his country's institutions. But the vice-president's fear of being suspected of personal ambition, and of being accused of unconstitutional acts, led him to turn over the government peaceably to the president, in spite of the fact that he was morally certain that the latter's

intention was to destroy the federal system. Farias left the president's chair with his hands free of "money and blood," and the reactionary movement, with Santa Anna at its head, had a clear road ahead. On May 23 a *plan* declaring for "religion and privileges and Santa Anna" was proclaimed by leading centralists at Cuernavaca in the State of Morelos, and from that point forward the "*plan* of Cuernavaca" was the rallying point. It called upon Santa Anna to dissolve congress and take charge of the government, and on May 31 Santa Anna responded in vigorous fashion. He not only dissolved congress, but he dissolved the state legislatures as well, dismissed the members of Farias's cabinet with the exception of a reactionary named Lombardo, deposed governors who refused to adhere to the *plan* of Cuernavaca and even went so far as to eject from office the members of municipal ayuntamientos who failed to do his bidding. With the clergy and the army supporting him, Santa Anna assumed absolute power. "Behold him," says Bancroft, "ruling as dictator, without congress, council, legislatures or ministers." The whole proceeding was unconstitutional, but both he and his supporters pretended that the constitution of 1824 was still in effect. Some of the states resisted, but resistance was ruthlessly put down.

The legislature of Coahuila and Texas, which had enacted the reforms favorable to the colonists, had adjourned just about the time Santa Anna returned from retirement. The state government was left in the hands of the acting governor, Villaseñor, and the permanent deputation. The news of the president's high-handed action caused grave concern among the members of

the latter body, and on June 24 they issued a call for a special session of the legislature to meet at Monclova on August 9, to consider measures "for the safety of the federation." In the call they deplored the interruption of the public tranquillity by "the collision of the supreme national authorities and by pronunciamentos which as a pretext invoke religion, which is really free from danger," and it proposed that steps be taken to avoid "any internal disturbance which such events might occasion." The deputation declared the state government would not permit "the exalted name of religion to be wantonly invoked within its territory" and authorized the governor to arrest anyone who attempted to start such a movement within the state. It was a clear-cut declaration against the *plan* of Cuernavaca and against Santa Anna.

It happened, however, that for a year a controversy had been in progress between two factions over the location of the state capital. The capital had been moved temporarily from Saltillo to Monclova early in 1833, and subsequently steps had been taken to make this removal permanent. Saltillo had protested against this proceeding, and the inhabitants of the southern part of Coahuila had supported Saltillo's cause. Local interests were now placed above national and state welfare and, when the state government at Monclova declared against the *plan* of Cuernavaca, the municipal authorities at Saltillo, hoping to have the capital restored to them by gaining the good will of Santa Anna, declared in favor of the *plan* of Cuernavaca. They then set up a rival state government, declaring that the capital had never been legally changed, and that all

the acts of the legislature passed at Monclova were null and void. The deputation at Monclova hastily withdrew its opposition to the *plan* of Cuernavaca, giving as its reason the circumstance that the rest of the country seemed to be accepting it, and that it did not desire to promote violence by opposition. The special session of the legislature failed to materialize because of the lack of a quorum and the withdrawal of the members from Saltillo. And finally the acting governor at Monclova, Villaseñor, was deposed and a military governor, Juan Elguezabal. was installed in his place.

Oliver Jones, the member of the legislature from the department of the Brazos, had responded to the call for a special session, but upon his arrival at Monclova he found a condition of chaos. "The political affairs of this section of the country are in a state of anarchy and confusion," he wrote to Henry Smith, the political chief, on September 2. "The state government has fallen into pieces, without having a foundation on which another can be constitutionally erected; on the 30th of last month an officer of the permanent army was proclaimed governor of the state by fifteen officers of the army, two members of the ayuntamiento of this place, and three of the deputies of the congress; and the former governor turned out of office. There is not, nor will there be, any congress or permanent deputation in this place during the present year. At one time since my arrival in this city there were seven members present, two of whom were of the Saltillo party, and refused to serve; and immediately left for that place. . . . I shall, if permitted, remain here a

few weeks longer. The government established in Saltillo still exists and is gaining ground. The towns of Rio Grande, Morales, San Juan de Mat and Santa Rosa, have declared in favor of Saltillo. There are about five hundred militia and permanent troops in this place, but up to the present time they have remained inactive. The government of Saltillo appears to be on an equal footing with that of this place, and has an equal number of supporters in this part of the state. Is not Texas as much entitled to a government as the former? She is without one, in fact none exists in the nation of which she forms a part; I am of the opinion this is a subject worthy of your deliberation at this critical moment.

"The state of Vera Cruz has, I am informed, declared in favor of a central government; and I have no doubt of Santa Anna's intention to establish that form of government."

When the representative of the department of Béxar returned to San Antonio from Monclova and reported the situation, he expressed very much the same opinion with respect to the advisability of Texas setting up a government for itself. Other Mexicans at San Antonio became of the same opinion. If Monclova and Saltillo should both have state governments, why not San Antonio? Texas could make no choice between the two governments which were equally illegal, so why not set up another? So the political chief of the department of Béxar was induced to issue an address calling a convention to meet at San Antonio on November 15, to organize a provisional government pending the settlement of the quarrel between Monclova and

Saltillo. This address was issued on October 13, wanting eighteen days of being a year since the San Antonio ayuntamiento had drawn up its self-righteous reply to Austin, when he made a similar proposal and thus brought about his imprisonment.

"The disastrous events," read the address, "which have lately taken place in the great Mexican nation, of which you are a part, and the deplorable and perilous situation in which the state is now placed, demand imperiously your exclusive and most serious attention. The baleful and portentous spirit of revolution has torn the republic into pieces, and threatens in the most alarming manner the liberal and republican institutions which you have sworn to maintain. . . .

"The congress of the state has ceased to exist; the elections have not been made; the state is dissolved. The governors, equally illegitimate, contend with each other for the exercise of executive power of the state; and its inhabitants are under no legal and constitutional obligation to obey either the one or the other; as you have been made fully sensible of by your returned representatives. This monstrous phenomenon which has appeared on the political horizon of the state has caused a universal and frightful disorder and confusion, convincing us that we have no time to lose. Therefore we, the undersigned, entreat the people of Texas to unite with their fellow-citizens of Béxar, in deliberating upon the means which it may be expedient to adopt, in order to save the country from such unparalleled anarchy and confusion."

A copy of this address was sent to the political chiefs of the departments of the Brazos and of Nacogdoches. But meantime Henry Smith, political chief of Brazos,

received Oliver Jones's letter from Monclova, and proceeded to act upon the suggestion it contained with respect to the setting up of a government. Without any knowledge of the San Antonio address, on October 20 he issued a broadside under the caption, "Security for Texas," proposing that a separate state government be organized. He said that since both state and national governments had collapsed some would be in favor of organizing a government independent of the Mexican federation. It would be more prudent, however, to declare the union with Coahuila dissolved and to organize as a state of the Mexican union.

"Her unnatural connection with Coahuila, a dissolution of which has been so much desired by Texas," he declared, "is now by the act of the former dissolved; let Texas then abandon her to her fate; she has withdrawn herself by her own willful and unlawful act, forfeiting all claims to protection from the civil compact; let her, then, quietly enjoy the blessings of anarchy. . . . She has by her own willful and abandoned conduct thrown herself without—let Texas, then, keep herself within—the pale and provisions of the constitution which she has sworn to support and protect. Let the separation caused by the act of Coahuila be responded to by Texas and declared perpetual." He proposed that each ayuntamiento issue a writ of election and fill the vacancies in the municipal offices, and that the central committee, under the power vested in it by the conventions of 1832 and 1833, call a consultation of the people of all Texas for the purpose of making the separation from Coahuila permanent and of setting up a state government.

The members of the central committee, however,

were quite of a different opinion, and they were supported by the bulk of the colonists. Austin was still in prison, a good cotton crop had been made and was selling at a profitable price, and the political disturbances at Monclova and Saltillo had not yet had any effects that were felt by the colonists. The committee, which was now composed of James B. Miller, Wily Martin, Robert Peebles, William Pettus, William B. Travis, William H. Jack and F. W. Johnson, issued a reply to Smith's address on October 28, and took the ground that there was no reason for Texas to follow the example of Monclova and Saltillo and set up another unconstitutional government.

"Because one part of a state or community has lawlessly violated the constitution, is that justification, or even an excuse, for another for doing the same?" inquired the committee. "If this political doctrine be true as to a state, it is equally true as to individuals; and when applied to men it becomes so preposterous and absurd that the weakest minds will easily detect its folly."

The committee declared there was every assurance that the whole matter was in a fair way toward settlement, referring to the circumstances that the national authorities had already taken a hand in it. Moreover, the committee pointed out, many of the evils which had annoyed Texas had been recently removed by action of the state legislature, and the people were now enjoying most of the advantages of a separate state government without being put to the expense of maintaining a separate administration. The good will of the national government was shown, it is said, by the repeal of the obnoxious features of the law of April 6, 1830, and by

the continued exemption of Texas from the payment of import duties. And finally Colonel Austin, who was suffering imprisonment because of his acts as a representative of the people, was in such a situation that continued tranquillity in Texas was necessary, and the people were in honor bound to do nothing that might result in injury to him. The committee concluded by saying that it was as anxious as anyone that a state government should be obtained for Texas, but that it was equally anxious that only constitutional measures should be employed in the effort to obtain it.

It was an effective reply and unquestionably it represented the attitude of the vast majority of the colonists. Smith, however, continued his efforts. He received the address of the political chief of Béxar the same day that the central committee drew up its reply to his own, and he wrote immediately to say that he was entirely in accord with the proposal for the convention, but there was not sufficient time for the election of the delegates. He suggested that the convention adjourn from day to day until the delegates from his department could arrive. However, when confronted with the favorable reception which the address of the central committee received, he wrote again to say that opposition had developed and urged the leaders at Béxar to continue the movement for a state organization.

The opposition, he said, was "principally instigated by what I can call nothing but a violent party spirit which has unfortunately been of long standing, and the party are now invigorating themselves by working on the sympathies of the people, owing to the confinement of Colonel Austin in the City of Mexico—telling them

that it is on their account he has been doomed to suffer so much, and that any move on their part would only tend to accumulate his sufferings; and to remain quiet, that everything will soon be right, or, in fact, that nothing is now wrong. This party is ever vigilant, and, as it were, on the wing, endeavoring to counteract every popular move in the people except it should be recommended by Colonel Austin, considering him as their God."

Smith was determined to hold an election for delegates, and to this end he issued another address to the people, replying to that of the central committee and citing the action of the political chief of Béxar as evidence of the need of action. He reviewed in detail the events at Monclova and Saltillo and declared it to be the duty of Texas to maintain constitutional government or share the guilt of those who had promoted anarchy in Coahuila.

"I have now given you the true situation of the government; but what is that to the people?" Smith asked. "They are indeed, as in the days of Noah, marrying and giving in marriage, eating and sleeping, and selling their cotton forsooth at a tolerable price; and this, the committee would persuade them, is irrefragable proof that all is well."

Whatever may be said of this sally, certainly the people were not ready to follow Smith. When the election was held the proposal for a convention was defeated wherever the trouble was taken even to record the vote at all. In most places there was no election; at Brazoria out of a total of seventy-three votes only sixteen were in favor of the convention, and at Columbia the proposal was defeated by a vote of twenty-four to three. Mean-

time, after threatening each other with civil war, Monclova and Saltillo came to an agreement on November 6, referring the whole controversy to Santa Anna, each agreeing to abide by the result. On December 2 Santa Anna rendered his decision. He decreed that the capital should remain at Monclova, and that the Elguezabal government at that place should be the legitimate one until a new state election could be held. There should have been a regular state election during the fall, but the disturbed condition of affairs had prevented the holding of it. The date of the new election was fixed as February 9, 1835, and for the time being tranquillity was restored.

In connection with Smith's attempt to hold a convention of the colonists during this trouble, there is still preserved in the Austin papers a manuscript copy of a document which was drawn up at the time for the purpose of having it generally signed by the colonists as setting forth their attitude toward the proposal. As things turned out it was found unnecessary to adopt this measure, but inasmuch as it reflects the point of view of a great majority of the Anglo-Americans at this time, it has more than ordinary historic value. As a statement of the political opinions of the dominant party in Texas at the close of the year 1834, it is given here in full. The copy still extant was to have been circulated in the municipality of Columbia, and reads as follows:

"By this public declaration be it known:

"That we, the undersigned citizens of the Mexican Republic, and of the state of Coahuila and Texas, resident in the municipality of Columbia (heretofore called Brazoria), being seriously alarmed by the late unauthor-

ized call for an election of members to a revolutionary congress, jeopardizing as we believe the security of our families and our dearest rights and interests, and tending, if asquiesced in by the people, to the utter ruin of all our hopes in Texas, feel it incumbent upon us to make this our public protest against, and declaration of dissent to, the unauthorized doings of a few ambitious *agitators of revolutionary measures.*

"As republicans, we hold to the immutable republican principle that in a republican community no measure involving the peace, security and happiness of the people should be adopted without the assent of a majority of the people, fairly called for and distinctly expressed.

"Yet we have seen, as we conceive, our most sacred rights and privileges usurped, and sentiments expressed upon our responsibility, which we do not nor ever have subscribed to.

"We therefore deem it our duty to ourselves, and to our fellow-citizens of the other municipalities of Texas, to permit no longer, by our silence, a few aspiring, ambitious men, zealous to promote their own elevation and individual advantage, but reckless of consequences to the great body of the people, to use our names or to assume the right of thinking for, or dictating to us the political course we shall pursue without our knowledge or consent.

"We distinctly avow our decided disapprobation of the attempt, made by the political chief, to obtain an election of members to a revolutionary congress, without calling for the sense of the people, or even consulting the central committee, appointed by a convention to warn the people of political danger.

"Because we view the measure as an unwarrantable assumption of authority to *dictate* to the people;

"Because we deem the measure to be fraught with the most ruinous consequences to the people of Texas; as directly at variance with the true interests of our adopted country, tending to confirm all the unfounded suspicions (which have been created by evil-minded persons) of our revolutionary and rebellious dispositions, and destructive of all confidence, both at home and abroad, in the stability and security of political rights and in the rights of person and property in Texas, which we consider to be the basis of all public and private prosperity—

"Because we conceive that the general government, by the repeal of the eleventh article of the obnoxious sixth of April law and leaving us until this late period exempt from the payment of import duties, paid by the people of all other parts of the republic, has shown a most paternal regard for our prosperity—

"Because we believe that the state congress has given us all the elements of good government, order and security under the law, by enacting laws establishing a system of jurisprudence adapted to our situation, with trial by jury, which, if carried out according to the provisions of the law and sustained by the people, would place justice within the reach of every citizen, *according to the judgment of his own peers, his own neighbors and equals;*

"Because we believe that the arrest and cruel imprisonment of our envoy to the general government (Colonel Austin) has been occasioned not by any hostile feelings on the part of the members of the government, but by false and malicious charges made by evil-minded, malig-

nant persons, resident in Texas, and laid before the government in such a shape that it became its imperious duty to take notice of them—

"Because we are convinced that however desirable a state government may be *if obtained by moral force* (constitutional and legal means), that it has become less necessary to our prosperity since the establishment of a system of jurisprudence which is calculated to give us most of the benefits without the enormous expense of sustaining a state government—

"Because we conscientiously believe that the frequent agitation of political revolutionary measures in Texas tends not only to bring us into collision with the state and general governments without a chance of success in a contest of arms; but by passing to the United States of the north with exaggerations destroys all confidence there in the security of property in Texas, prevents the immigration of men of capital and force, renders property valueless, and blights forever the hopes we have entertained of seeing '*the wilderness blossom as the rose.*'

"Therefore we feel it to be a duty from which we can no longer abstain to take this method of making known our disapprobation of any and all revolutionary measures and our dissatisfaction with *the choice spirits* who arrogate to themselves the right of thinking and acting for us; sincerely hoping that hereafter they will have the modesty to leave it to the people to discover their virtues and talent, and to wait for a call upon them, whenever their aid and counsel may be required.

"And to the end that this expression of sentiment may not be taken to be that of a small number of citizens, we

have adopted this mode of defining the public feeling by circulating this declaration that every man's name may stand in evidence of his views and wishes."

As has been said, the plan of circulating this document for signatures was abandoned, and the colonists contented themselves with either ignoring Smith's call for an election altogether or voting down the proposal for a convention in an emphatic manner. But, coupled with the rejection of the proposal for a convention, this "public declaration" is documentary proof today of the temper of the Anglo-Americans in Texas. They were in a mood to adjust themselves to conditions in Mexico, and to work out their own salvation patiently. Anything like a wise administration of Mexican affairs during this period would have served to perpetuate this condition and to prevent much that happened later. But Santa Anna and his supporters were working toward the destruction of the federal system, and, as will be seen in due course, this circumstance had far-reaching effects in Texas.

Another circumstance which would have contributed toward a continuance of tranquillity and progress in Texas, had conditions in the republic as a whole been different, was the report made about this time by Colonel Almonte, who had made an investigation of the affairs of Texas during the previous summer. Almonte's report gave a vivid picture of the development which had resulted from the migration of Americans to Texas since 1820, and could not fail to impress thoughtful Mexicans with a sense of the benefits which would accrue to the republic as the result of a wise policy toward the colonists in the future. Extracts from a trans-

lation of this report (published in Kennedy's *Texas* in 1841) will give an idea, not only of the character of the report itself, but of the condition of Texas about this time.

"The population of Texas," said Almonte's report, "extends from Béxar to the Sabine River, and in that direction there are not more than twenty-five leagues of unoccupied territory to occasion some inconvenience to the traveler. The most difficult part of the journey to Texas is the space between the Ric Grande and Béxar, which extends a little more than fifty leagues, by what is called the Upper Road, and above sixty-five leagues by the way of Laredo. These difficulties do not arise from the badness of the road itself, but from the absence of population, rendering it necessary to carry provisions, and even water during summer, when it is scarce in this district. This tract is so flat and rich in pasturage that it may be traveled with sufficient relays, and at a suitable speed, without the fear of wanting forage.

"In 1806 the department of Béxar contained two municipalities: San Antonio de Béxar, with a population of five thousand souls, and Goliad, with one thousand four hundred; total, six thousand four hundred. In 1834 there were four municipalities, with the following population respectively: San Antonio de Béxar, two thousand four hundred; Goliad, seven hundred; Victoria, three hundred; San Patricio, six hundred; total, four thousand. Deducting six hundred for the municipality of San Patricio (an Irish settlement), the Mexican population had declined from six thousand four hundred to three thousand four hundred between 1806 and 1834. This is the only district of Texas in

which there are no negro laborers. Of the various colonies introduced into it, only two have prospered; one of Mexicans, on the river Guadalupe, by the road which leads from Goliad to San Felipe; the other of Irish on the river Nueces on the road from Matamoros to Goliad. With the exception of San Patricio, the entire district of Béxar can easily be irrigated, and there is no doubt that so soon as the government, compassionating the lot of Texas. shall send a respectable force to chastise the savages, the Mexicans will gladly hasten to colonize those valuable lands which court their labor.

"Extensive undertakings cannot be entered on in Béxar, as there is no individual capital exceeding ten thousand dollars. All the provisions raised by the inhabitants are consumed in the district. The wild horse is common, so as rarely to be valued at more than twenty reals (about $2.50) when caught. Cattle are cheap; a cow and a calf not being worth more than ten dollars, and a young bull or heifer from four to five dollars. Sheep are scarce, not exceeding five thousand head. The whole export trade is confined to from eight to ten thousand skins of various kinds, and the imports to a few articles from New Orleans, which are exchanged in San Antonio for peltry or currency.

"There is one school in the capital of the department supported by the municipality, but apparently the funds are so reduced as to render the maintenance of even this useful establishment impossible. What is to be the fate of those unhappy Mexicans who dwell in the midst of savages without hope of civilization? Goliad, Victoria and even San Patricio, are similarly situated, and it

is not difficult to foresee the consequences of such a state of things. In the whole department there is but one curate; the vicar died of cholera in September last."

Thus it can be seen, according to this report of a Mexican observer, that the decline of Spanish and Mexican colonization of Texas had continued since 1820. There were hardly as many Mexicans in Texas in 1834 as there were when Moses Austin entered the province in 1820. What would have happened had there been no Anglo-American colonization, which had at least created better economic opportunities for the Mexicans by reclaiming the wilderness between San Antonio and the Sabine? In spite of the efforts of the government under Bustamante and Alamán to promote Mexican colonization of Texas there had been no progress, and it is safe to say that Texas would have been practically depopulated of Mexicans and turned back to the Indians entirely had it not been for the Anglo-American movement across the Sabine started by the Austins.

Almonte's report of conditions in the departments of the Brazos and of Nacogdoches supplies a striking contrast to those in the department of Béxar.

"The capital of the department of the Brazos," he said, "is San Felipe de Austin, and its principal towns are the said San Felipe, Brazoria, Matagorda, Gonzales, Harrisburg, Mina and Velasco. The district containing these towns is that which is generally called 'Austin's Colony.'

"The following are the municipalities and towns of the department, with the population: San Felipe, two thousand five hundred; Columbia, two thousand one hundred; Matagorda, one thousand four hundred; Gon-

zales, nine hundred; Mina, one thousand one hundred; total, eight thousand. Towns: Brazoria, Harrisburg, Velasco, Bolivar. In the population are included about one thousand negroes, introduced under certain conditions guaranteed by the state government; and although it is true that a few African slaves have been imported into Texas, yet it has been done contrary to the opinion of the respectable settlers, who are unable to prevent it. It is to be hoped that this traffic has already been stopped; and it is desirable that a law of the General Congress and of the State should fix a maximum period for the introduction of negroes into Texas as servants to the empresarios, which period ought not in my opinion to exceed ten or twelve years, at the end of which time they should enjoy absolute liberty.

"The most prosperous colonies of this department are those of Austin and De Witt. Towards the northwest of San Felipe there is now a new colony under the direction of Robertson; the same that was formerly under the charge of Austin.

"In 1833 upwards of two thousand bales of cotton, weighing from four hundred to five hundred pounds each, were exported from the Brazos; and it is said that in 1832 not less than five thousand bales were exported. The corn is all consumed in the country, though the annual crop exceeds fifty thousand barrels. The cattle, of which there may be about twenty-five thousand head in the district, are usually driven for sale to Natchitoches. The cotton is exported regularly from Brazoria to New Orleans, where it pays 2½ per cent duty, and realizes from 10 to 10½ cents per pound for the ex-

porter, after paying cost of transport, etc. The price of cattle varies but little throughout Texas, and is the same in the Brazos as in Béxar. There are no sheep in this district; herds of swine are numerous, and may be reckoned at fifty thousand head.

"The trade of the department of the Brazos has reached six hundred thousand dollars. Taking the estimate for 1832 (the settlements having been ravaged by the cholera in 1833), the exports and imports are estimated thus: Five thousand bales of cotton, weighing two million two hundred and fifty thousand pounds, sold in New Orleans, and producing at 10 cents per pound two hundred and twenty-five thousand dollars net; fifty thousand skins, at an average of eight reals each, fifty thousand dollars. Value of exports, two hundred and seventy-five thousand dollars (exclusive of the sale of live stock). The imports are estimated at three hundred twenty-five thousand dollars.

"In this department there is but one school, near Brazoria, erected by subscription, and containing from thirty to forty pupils. The wealthier colonists prefer sending their children to the United States; and those who have not the advantages of fortune care little for the education of their sons, provided they can wield the axe and cut down a tree, or kill a deer with dexterity.

"The department of Nacogdoches contains four municipalities and four towns. Nacogdoches municipality has a population of three thousand five hundred, and of San Augustine two thousand five hundred; Liberty, one thousand; Johnsburg, two thousand; the town of Anáhuac, fifty; Bevil, one hundred forty; Terán, ten;

Tenaha, one hundred; total population, nine thousand, in which is included about one thousand negroes, introduced under special arrangements.

"Until now it appears that the New York Company are only beginning to interest themselves in settling their lands, bought or obtained by contract with Messrs. Zavala, Burnet, and Vehlein, empresarios, who first undertook the colonization of the immense tracts which they obtained of the state of Coahuila and Texas, and which are laid down in the maps of the North as lands of the 'Galveston Bay Company.' In consequence of that transaction, the Company are proprietors of nearly three-fourths of the department of Nacogdoches, including the twenty leagues boundary from that town to the Sabine. Of the contracts of Zavala, Burnet and Vehlein, some expired last year, and others will expire during the present year. The Supreme Government, if at all anxious to do away with a system of jobbing so ruinous to the lands of the nation, at the hands of a few Mexicans and foreigners, ought, without loss of time, to adopt means to obviate the confusion daily arising out of contracts with the speculators, which create a feeling of disgust among the colonists, who are dissatisfied with the monopoly enjoyed by companies or contractors that have acquired the lands with the sole object of speculating in them.

"The settlements of this district have not prospered, because speculators have not fulfilled their contracts, and the scattered population is composed of individuals who have obtained one or more leagues of land from the state, and of others, who, in virtue of the law of colonization inviting strangers, have established themselves

wherever it appeared most convenient. But the latter have not even the titles to their properties, which it would be only fair to extend to them, in order to relieve them from that state of uncertainty in which some have been placed for several years, as to whether they appertain to the United States or to Mexico. And as these colonists have emigrated at their own expense, it seems just that the contractors on whose lands they have settled, and who were not instrumental in the introduction of their families, should not receive the premium allowed by law. In stipulating with those contractors both the General and State Governments have hitherto acted with too much negligence, and it would be well that they should now seriously turn their attention to a matter so deeply important.

"There are three common schools in this department: one in Nacogdoches, very badly supported, another at San Augustine, and a third at Johnsburg. Texas wants a good establishment for public instruction, where the Spanish language may be taught; otherwise the language will be lost; even at present English is almost the only language spoken in this section of the Republic.

"The trade of this department amounts for the year to four hundred and seventy thousand dollars. The exports consist of cotton, skins of the deer, otter, beaver, etc., Indian corn and cattle. There will be exported during this year about two thousand bales of cotton, ninety thousand skins, and five thousand head of cattle, equal in value to two hundred and five thousand dollars. The imports are estimated at two hundred sixty-five thousand dollars; the excess in the amount of imports is occasioned by the stock which remains on hand in the stores of the dealers.

"There are about fifty thousand head of cattle in the whole department, and prices are on a level with those in the Brazos. There are no sheep, nor pasturage adapted to them. There are above sixty thousand head of swine, which will soon form another article of export.

"There are machines for cleaning and pressing cotton in the departments of Nacogdoches and the Brazos. There are also a number of saw-mills. A steamboat is plying on the Brazos river, and the arrival of two more is expected; one for the Neches, the other for the Trinity.

'The amount of the whole trade of Texas for the year 1834 may be estimated at one million four hundred thousand dollars.

Departments.	Imports.	Exports.	Total.
Béxar	$ 40,000	$ 20,000	$ 60,000
Brazos	325,000	275,000	600,000
Nacogdoches	265,000	205,000	470,000
Approximate valuation of contraband trade with the interior through the ports of Brazoria, Matagorda and Copano			270,000
			$1,400,000

"Money is very scarce in Texas; not one in ten sales is made for cash. Purchases are made on credit, or by barter; which gives the country, in its trading relations, the appearance of a continued fair. Trade is daily increasing, owing to the large crops of cotton, and the internal consumption, caused by the constant influx of emigrants from the United States."

Almonte gave an enthusiastic view of the future of

Texas, declaring that it was destined soon to be the most flourishing section of all Mexico.

"If we consider," he said, "the extraordinary and rapid advances that industry has made; its advantageous geographical position, its harbors, the easy navigation of its rivers, the variety of its productions, the fertility of the soil, the climate, etc.—the conclusion is that Texas must soon be the most flourishing section of the Republic. There is no difficulty in explaining the reason of this prosperity. In Texas, with the exception of some disturbers, they only think of growing the sugar cane, cotton, corn, wheat, tobacco; the breeding of cattle, opening of roads, and rendering the rivers navigable. Moreover, the effects of our political commotions are not felt there, and often it is only by mere chance that our dissensions are known. Situated as Texas is, some four hundred and fifty leagues from the capital of the Federation, it is easy to conceive the rapidity of its progress in population and industry, for the reason that Texas is out of the reach of the civil wars that have unfortunately come upon us. The inhabitants of that country continue, without interruption, to devote themselves to industrious occupations, giving value to the lands with which they have been favored by the munificence of the government.

"If, then, the position of Texas is so advantageous, why should not the Mexicans participate in its benefits? Are not they the owners of those valuable lands? Are they not capable of encountering dangers with firmness and courage? Let small companies be formed; enter into contracts with agricultural laborers; appoint to each of the companies its overseer, agent or colonial director;

and I will be the surety that, in less than one or two years, by the concession of eleven league grants of land, which will not cost perhaps more than a trifle for the stamped paper on which the title is made out, the grants will be converted into a property worth more than from fifteen to twenty thousand dollars. Let those who wish to test the worth of this assurance visit the plantations of the colonists, and they will perceive I am no dreamer."

It will be noted that Almonte estimated the total civilized population of Texas, including Mexicans, at twenty-one thousand. Austin, in his memorandum to the government had estimated it at forty-six thousand five hundred. The truth seems to lie between the two, and information from other sources indicates that in 1834 the Anglo-American population alone was about thirty thousand, not including the negroes.

Almonte's report naively refutes his own opinion that Mexicans might by colonization "participate in the benefits" of Texas prosperity. The character and industry of the Anglo-American colonists created that prosperity. Texas was no lazy man's paradise, but it was indeed a land of opportunity for the kind of people who had come from the United States. But it was for this very reason that a wise policy on the part of the Mexican authorities would have bound these people permanently to the Mexican federation. For, as Almonte said, "with the exception of some disturbers," the colonists thought only of "growing the sugar cane, cotton, corn, wheat, tobacco; the breeding of cattle, opening of roads, and rendering the rivers navigable." A Texas populated by Mexicans would not present such a picture. Distance from the capital alone would not have kept such a pop-

ulation free of the commotions and civil wars which disturbed the rest of the country. The chief reason Texas was so different from the remainder of the republic was the difference in the people. The Mexicans seemed incapable of self-government, whereas the Anglo-American colonists would tolerate no other kind of government. In the very nature of things any attempt of the Mexicans, who could not govern themselves in peace very long, to govern the Anglo-Americans would be bound to result in a clash.

While the year 1834 closed, therefore, with the outlook for continued tranquillity in Texas brighter than it had been for some time, the forces already were in motion that would change this situation entirely. The "war party" was small and of very little influence among the colonists, but from this point forward the Mexicans themselves were to play into its hands and it was destined to grow in numbers and influence. The year 1835 marked the final parting of the ways.

CHAPTER XXV.

CHAOS IN COAHUILA.

After dissolving congress and installing himself as dictator on May 31, 1834, Santa Anna had called an election for a new congress, and the summer and early fall had been marked by the campaign for control of that body. Four parties struggled for ascendancy. These were the centralists or party of the military and the clergy, the Santanistas or personal party of Santa Anna, the old Escoceses or conservative anti-clericals and finally the federalists, who included the members of the radical faction which had controlled the recent congress. The election resulted in an overwhelming victory for the centralists. The pendulum had swung completely to the other extreme. Reaction from the radical program of the party of Farias was so sweeping that the clergy and the military were in absolute control. This was not precisely what Santa Anna wanted. He had hoped for a congress made up of his personal followers, so that while catering to the military and the clergy he could nevertheless still retain something of his dictatorial power. But with such a congress as was elected he would be compelled to do the bidding of the church and the army, or risk overthrow himself.

The new congress convened on January 4, 1835, and early in the session Santa Anna, playing his cards with his usual care, tendered that body his resignation from the presidency. Congress refused to accept it, but in-

stead granted him a leave of absence and he retired again to his estate in Vera Cruz. The new congress, however, did not propose to have the executive department turned over again to Gómez Farias, the vice-president. It proceeded, therefore, to depose Farias by the simple process of declaring the office vacant, and General Miguel Barragán was named to serve as president *ad interim* during Santa Anna's leave. Barragán took charge of the government on January 28, and organized a new cabinet. While the semblance of independent action was maintained, the truth is that Barragán made no important move as president without first obtaining the approval of Santa Anna. That gentleman remained the real power, while placing himself in a position to disclaim responsibility for any of the government's acts which might prove unpopular.

Austin, as has already been recounted, had been released on bail on Christmas day, 1834, and was present in Mexico City while these events were taking place. Early in January he published in pamphlet form a detailed defense of his conduct in endeavoring to obtain local government for Texas and discussing the whole question of the relation of Texas to Mexico. This pamphlet, which was in the Spanish language, apparently made a deep impression on Mexican leaders, including many members of the new congress, and for a time the outlook that something tangible would be done for Texas seemed bright. On March 4, 1835, Austin wrote Perry of this outlook. "The affairs of Texas," he said, "are in a much better train for that country to become a state than they have ever been. The subject was before the

House of Representatives last week, and information was called for by the house from the executive, which will be given in a few days, and is very favorable for Texas. The people there must not expect a state immediately, but the matter will be put in a train to make it a state within a reasonable and even short time. There will be an exemption of duties on cotton bagging, iron, steel and some other articles. I have also recommended that a premium be given on Texas cotton shipped to Tampico and Vera Cruz, also that two companies of mounted riflemen be raised in Texas, to be stationed high up on the Colorado and Brazos for the purpose of defense and of opening a road to Chihuahua; also new mail routes—one from Goliad by La Baca, Matagorda, Brazoria to San Felipe, and thence to Harrisburg, Liberty and Nacogdoches; and several other things of interest to Texas, all of which are now under consideration by the government."

A week later Austin wrote Perry again in the same strain, suggesting that the people of Texas continue to develop the country and to pay no attention to the upheavals in the rest of Mexico. "The political character of this country seems to partake of its geological features —all is volcanic," he wrote. "If there is sound judgment and common sense in Texas, the convulsions here will not affect that country. The prosperity of Texas should flow onward like the silent current of a river—nothing from this quarter can or will impede its progress. This has always been my view on the subject, and hence it is that I have uniformly adopted (when left to my own judgment, or not controlled by circumstances)

a silent and conciliatory course. That policy has settled Texas, and if pursued a few years longer will secure its happiness and prosperity.

"Spain, I presume, will acknowledge the independence of Mexico very soon. The island of Cuba will then be open to us—it is the best market for beef cattle, oxen, hogs, horses, mules, corn, lard, beans, peas, etc., in the world. . . . My exposition (the pamphlet) has had a most salutary influence, and placed Texas on high ground. The project of a territory is now *totally dead*, so much so that its advocates are now in favor of a state. Even Bradburn is now an active and warm advocate in favor of a state. There has been a great change since Grayson left in favor of Texas."

The fact that the proposal of making Texas a separate state was still being discussed in March, after the new congress had been more than two months in session, indicates that it was not yet certain in men's minds that the federal system would be abolished. But it is clear that Austin's attitude about this time was determined by his conviction that the chief needs of Texas were more Anglo-American population and greater development of the country. Whatever might be the ultimate destiny of Texas—whether it was to remain part of Mexico, become an independent country, or be joined to the United States as a state—the immediate task was for Texas to become stronger, both in point of numbers and of wealth. Austin kept faith with Mexico to the last, and, so long as there was no immediate cause for separation, continued to insist that it was to the interest of Texas to remain part of Mexico. But he was perfectly aware that the time might come when Texas would be

compelled to separate from Mexico. He said that plainly to Farias's cabinet in 1833, declaring that the necessity of self-preservation might make it the duty of the Anglo-Americans to separate from Mexico. However, if the time for that should ever arrive the Texans would be in better position to accomplish it, or to do whatever else might be necessary to protect themselves, if they were stronger in numbers and wealth. Austin was perfectly willing that the people of Texas themselves should decide their ultimate destiny. He desired chiefly that they should have the power to do so. Persons who search Austin's papers to discover precisely at what point he decided that Texas should separate from Mexico search for something that is really unimportant. The important thing is that he always desired the welfare of the Anglo-American colonists above everything else, and was always willing that they should decide for themselves what would best promote their welfare. And more important still is the fact that he desired that their power to decide for themselves should be increased by an increase in population and in wealth. He came to believe during the spring of 1835 that something material might be done for Texas "if the attention of the government and of congress was not distracted by the disjointed state of the times." "However," he added, "it is really not so *very* important whether anything is done or not if a dead calm and union can be preserved in the country. Immigration—good crops—no party divisions—no excitements—no personalities—should be the political creed of everyone in Texas." Texas must be prepared to decide its own fate, no matter what the Mexican government might do.

This process of "preparation" was going forward. Williams, Austin's partner, wrote him on March 31 that during the months of January and February, 1835, two thousand immigrants had landed at the mouth of the Brazos alone. Good crops had been made during the previous year, and good prices had been obtained for the products of the colonists. Texas was prospering and growing and, as has been seen from the manner in which Henry Smith's attempt to call a convention had been dealt with by the colonists, Texas also was maintaining political tranquillity. It was certainly true, as Austin said, that if this process should continue "a few years longer" it would secure "happiness and prosperity" for Texas. But as things turned out it was not possible to continue the process even a few months longer. The election of the new legislature of Coahuila and Texas, provided for by Santa Anna in deciding the dispute between Monclova and Saltillo, was held on February 9, and this new body began its sessions on March 1. By the time it adjourned on May 21, a civil war between the state and national authorities was in full swing and Texas was not to know tranquillity again under Mexican rule. The time for the Anglo-Americans to decide their destiny for themselves arrived sooner than most Texans in the spring of 1835 expected.

The real cause of all the trouble was the determination of the leaders of the army and the church to fasten upon Mexico a highly centralized government, with Mexico City as the seat of authority and the states of the Mexican federation reduced to the rank of provinces. There were other elements in the situation which clouded this issue for a time, but it is clear today that

had it not been for the fact that the reactionaries in control of congress proceeded to set aside the constitution of 1824 in violent fashion, the other elements would have faded into insignificance. The situation of the Texans as part of the state of Coahuila and Texas was bad enough. But throughout the agitation for separate statehood there was something else which the colonists recognized as worse than that situation. That something else was to have Texas separated from Coahuila and made a federal territory. That would have introduced military government in Texas, with Mexico City as the seat of authority, and the Anglo-Americans under such an arrangement would have been little better than subjects of an alien government more than a thousand miles away. But even this would have been temporary, and had Texas been made a territory the colonists could have at least looked forward to the time when they would possess sufficient population and wealth to become a state. The form of government which the army and the church had decided upon, however, would place Texas in a condition even worse than that which it would have occupied as a federal territory. For it meant nothing less than the permanent establishment of military government in Texas. It was this prospect which finally emerged from the chaos of conflicting interests and views and which forced the Anglo-Americans to decide their own destiny.

It must be recognized that the federal form of government was not a natural development in Mexico, as it had been in the United States. In the United States it was brought about by the union of a number of separate and distinct local colonial governments. In Mexico it

was brought about by the dividing up of a country formerly under a single government. It is true that for a time the so-called "eastern internal provinces," which included Texas, had been under direct government of Spain and not under the jurisdiction of the viceroy at Mexico City. But there had never been anything in Mexico resembling the local government of the British colonies. The mass of the population of Mexico was Indian or part Indian. "The proportion of persons of pure European descent," says Rives, "was almost exactly reversed in the United States and Mexico. In the former, according to the census of 1820, about eighteen persons of every hundred were wholly or partly of African blood, the rest of those enumerated being of unmixed European ancestry. In Mexico, at the beginning of the century, it was estimated that only eighteen per cent of the population was pure European, while sixty per cent was pure Indian, and twenty-two per cent was part Indian." Self-government, in the sense that the term was understood among Americans, was not possible for such a people. Neither the republican form of government nor the federal form of organization was native and natural to them. It is not to be wondered at, therefore, that there were enlightened and patriotic Mexicans who never became reconciled to the attempt to establish a federal republic in Mexico.

There was genuine republican sentiment in Mexico, but there was no aptitude among the people for self-government. Nor was there a high type of ability among republican leaders. The task of establishing and maintaining a federal republican government among such a people was such as to require almost

superhuman leadership, and anything approaching great leadership was lacking. Austin was perfectly aware of the stupendous character of this task, but there were times when he hoped it would be accomplished. There is a passage in his prison journal which reflects this hope. "The people, or I should say the patriots of Mexico," he wrote, "conceived, put into execution, and are perfecting the most difficult, grand and noble work which has been known or seen in the world since the days of Adam—the establishment of a system of government, popular, liberal and free, in a country where the customs and opinions of the people are diametrically opposed and repugnant to such a system, a work more worthy divine power than of human debility. Political writers have set it down as a dogma or axiom that in the formation of governments a natural course of things should be followed. What they call a natural course of things is that government should be constructed according to the customs, prejudices and existing ideas of the great mass of the people, and that it would be unnatural, forcible and dangerous to attempt to regulate or accommodate these customs, prejudices and ideas to a system to which the people are repugnant and opposed. . . . The United States of the North have the glory of having demonstrated the practicability and advantage of a popular system for a people whose customs and opinions were prepared beforehand for that system. This was a grand step which excited the admiration of the civilized world, and caused the thrones and Gothic institutions of Europe to tremble. Mexico has the glory of having done much more and has gone beyond the people of the north in

having demonstrated that the principles of truth and liberty in the abstract, or of themselves, are essentially more strong than the prejudices and erroneous customs, and that the latter may be destroyed notwithstanding the force they derive from the practice of centuries, or from the veneration which their great antiquity may attract for them."

The view thus expressed can not be said to have been a settled conviction with Austin, for he was compelled to recognize the almost continual break-down of all government among the Mexicans. But had the attempt to establish such a government in Mexico succeeded the observations noted in Austin's journal would have been little short of the precise truth. What the federalists of Mexico attempted was indeed a superhuman task, and it was only to be expected that following its climax in the administration of Gómez Farias there should be violent and widespread reaction. This reaction reached its highest expression in the national congress of 1835 and, in due time, it became apparent that this body would not regard its work as complete until the federal system was destroyed and a centralized government established in place of it.

In the State of Coahuila and Texas there was more republican and federal sentiment among the Mexicans than in most other sections of Mexico. This was due probably to their closer relations with the United States and their greater familiarity with American customs. But, whatever the cause, it is a fact that the legislature which met on March 1, 1835, was overwhelmingly opposed to the program which the church and the

army, as represented in the national congress, were determined to inaugurate. A conflict was inevitable.

There were other elements of the situation, aside from this one, which meant trouble for the new legislature and state government. First of all Saltillo and its adherents in southern Coahuila were not satisfied with the way in which the controversy over the capital had been settled, and the members representing that element were looking for an excuse to start trouble from the day the session opened. And, secondly, there was on hand a powerful lobby, made up of American speculators and certain Anglo-American colonists, seeking grants of land, and the wholesale manner in which the public lands of Texas were bartered away caused great indignation among the colonists. These elements, taken together with the opposition in the legislature to the reactionary program of the national congress, created a condition of confusion which culminated in civil war.

When the legislature assembled, a canvass of the vote showed that Augustin Viesca had been elected governor, and Ramón Músquiz of San Antonio had been named vice-governor. Neither of these officials-elect was present at Monclova and, Elguezabal having vacated the office in accordance with the agreement, José M. Cantú was selected to serve as vice-governor until Viesca should arrive. After disposing of the matter of establishing the state government, the legislature then turned to the problem of providing it with funds, and to this end it began disposing of the public lands of Texas in wholesale fashion.

This practice of obtaining revenue by alienating

public lands had been growing for three or four years. James Bowie seems to have discovered the method of having native Mexicans apply for eleven-league tracts under the state colonization law and then purchasing this land from them, he having obtained something more than seven hundred thousand acres of land in this manner in 1830. From this starting point a considerable traffic of this kind developed. Native Mexicans in various parts of the republic came to realize that they were entitled to the privilege of purchasing eleven leagues of Texas land from the state and, as these lands could be readily sold to Americans at a profit, they took advantage of this. Lawyers in Texas found the business of obtaining such tracts for non-resident American clients to be reasonably profitable and thus they began to find purchasers for such lands. The state government, at all times in need of money, did not question the public policy of such alienation of the public lands, but on the contrary soon began to cast about for methods by which more revenue of this sort might be raised. The legislature of 1834, accordingly, passed a law on March 26 of that year decreeing that the public lands of Texas might be sold off in lots of one hundred and seventy-seven acres each at public auction, a minimum price of ten dollars for each such lot being fixed, and no purchaser being permitted to buy more than eleven leagues, or forty-eight thousand, seven hundred and eight acres. It allowed foreigners to purchase such land directly from the government, and it will be noted that the minimum price was a little higher than the highest price fixed in the colonization law for the sale of land directly

to Mexicans. The effect of the law was simply to eliminate the Mexican figurehead which the foreign purchasers of lands had been using, and to increase to some extent the revenues from such land sales. However, within a month the legislature passed a supplementary law which provided that, after having offered lands at public auction, and no bidder having applied for them, the state government might sell them to any person at the minimum price. This meant that the machinery was provided for the direct sale of Texas lands to all comers, without competitive bidding, for less than six cents an acre!

The legislature of 1835, however, desired even quicker action than was possible under these two laws of the previous year, and before it had been in session two weeks it completed the enactment of a law authorizing the governor to dispose of four hundred leagues of public land (1,771,200 acres) to meet the need of revenue. So far as possible, it removed all restrictions from the sale of this land

The passage of this law gave the Saltillo delegates the excuse they desired, and they withdrew from the legislature, declaring that the election of February 9 was illegal and that the whole Monclova government was also illegal. They appealed to the national authorities, and to Gen. Martín Perfecto de Cos, the new commandant of the easterr internal states. The governor-elect, Augustin Viesca, arrived at Monclova at this juncture, and was inaugurated about April 15. He immediately issued a call for a hundred militiamen from each of the three departments of Texas to help sustain the government.

The manner in which the state government was disposing of public lands was used as an excuse, both by Saltillo and by the national authorities, for crushing it forcibly and placing the whole state under military rule. The national congress was progressing with its program to change the form of the government, and the leaders of the party of the army and the church had caused memorials to be sent from different sections of Mexico to the national government praying for the abolition of federalism and the establishment of a centralized government. The federalists had countered with similar memorials demanding that the constitution of 1824 be upheld in every particular. It was this situation, and the fact that the legislature of Coahuila and Texas was known to be opposed to centralism that was responsible for the attitude of the national authorities. Moreover, the long-delayed program of reoccupying Texas was now to be put into effect, and General Cos, who was Santa Anna's brother-in-law, had been made commandant of the eastern internal states during the previous October for this very purpose. The Texans, of course, were known to be upholders of federalism, and to be anxious to have Texas made a separate state of the federation. It could be expected that they would resist the move to centralize the government of Mexico and abolish all state lines, and it was therefore important that a strong military force should be on hand to deal with the situation. This, it should be understood, was part of a comprehensive program to crush all opposition throughout the republic wherever it appeared. Coahuila and Texas was not the only state that was likely

to resist, and during the early part of 1835 congress moved cautiously.

One of the measures adopted by congress to weaken opposition was an act passed on March 31, providing that the number of the state militia in all states should be reduced to one militiaman to every five hundred inhabitants. Governor Viesca's call for three hundred militiamen from Texas, therefore, was a violation of this law, and was in fact occasioned by the determination to resist the law. The state government in Zacatecas had already raised the banner of opposition to this law, and Santa Anna, by special permission of congress, granted on April 9, had come from retirement to lead the government forces in person in crushing resistance. When Viesca adopted a similar attitude, General Cos prepared to crush the resistance in Coahuila and Texas as well. Then, on April 22, the state legislature removed the last doubt as to its attitude by drawing up a memorial to congress, protesting specifically against the law regulating the militia and making an unequivocal declaration against any modification of the constitution of 1824.

This memorial challenged the power of congress either to amend the constitution or to enact laws embodying measures beyond the powers of congress as fixed by certain articles of the constitution. It called attention to the fact that certain members of congress had expressed views with respect to the proposal to change the form of the government "as unreasonable as if the present general congress considered itself possessed of unlimited power to alter the constitution."

"The state of Coahuila and Texas," it continued, "lawfully represented by its legislature, protests in the most solemn manner that, having joined the confederacy by virtue of the fundamental pact, and on the basis therein established, it neither does, nor ever will, recognize the acts and measures emanating from the general congress, should they not conform to the plain meaning of the aforementioned articles: It will admit no other amendments of the constitution than those effected conformably to the steps and requisites provided in the same." A portion of the state, it is said, referring to the Anglo-American colonists, was settled by people whom the proposed changes of government did not suit, and "the contemplated reforms would highly compromit not only the internal order and tranquillity, but also the very integrity of the national territory." The memorial then proceeded to condemn the law reducing the militia and the action of Santa Anna in leading an expedition against the "patriotic state of Zacatecas." Finally it declared that General Cos, the commandant of the eastern internal states, was interfering in the most turbulent manner in the internal administration of the state and was seeking to overawe the civil authorities by force of arms.

In addition to this memorial, the legislature adopted a strong resolution calling upon congress to repeal the law abolishing the militia, and supporting unequivocally the authorities of the state of Zacatecas who were at that very moment engaged in an armed conflict with Santa Anna.

"This body would fail in its duty," the resolution

declared, "were it to be indifferent to the serious evils that the fulfillment of that decree would cause to the entire nation and to the state it represents.

"Coahuila and Texas suffers a cruel and desolating Indian war. The garrisons destined to pursue and chastise the savages, besides being incapable of acting, from absolute neglect, are separated from the purpose for which they were established at the pleasure and caprice of the general commandants, who withdraw them from the frontier when they choose, as is actually the case in this state, in which the commandant Don Martín Perfecto de Cos has considered it more proper and beneficial to coerce the supreme authorities, and favor the disturbances of one town, than to pursue the savages, although they are destroying the lives and property of the citizens.

"In so perplexed and difficult a state of affairs, can the congress (legislature) of Coahuila and Texas be desired not to remonstrate on seeing the civic militia disappear, its sole support and defence—the only force that can apply itself to the preservation of order, and support of the laws? What would be its condition in such an event? The most deplorable and abject that could occur.

"The cause of the revolutions we have suffered is in vain imputed to the militia. Recourse has been had to this as a pretext for impugning the militia, but it is impossible not to know and to discern that they have all been occasioned by the standing army. We should remember that in Guanajuato the institutions were saved by the civic militia.

"The congress of the state of Zacatecas, in the exposition it directed to your honorable body on the 7th

instant, completely refutes all the artifice that had been resorted to against the national local militia, clearly manifesting the propriety of its conduct, the necessity of its existence, and that it has not caused the evils which the enemies of liberty have been willing to suppose.

"The state of Coahuila and Texas being of the same opinion, and in the situation above represented, supports the aforementioned exposition in all its parts, and requests that your honorable body will revoke the decree diminishing the civic militia in the states.

"The well-known wisdom of the national representatives induces the belief that the remonstrances of this legislature will be dispassionately heard, and that, in consideration of the public good, the revocation it requests will be enacted."

This remonstrance to congress was destined, of course, to fall upon deaf ears. Cos was acting under instructions from José María Tornel, who was now minister of war and was as great an enemy of Texas as ever, and, far from deterring the reactionary congress in the course it had embarked upon, the expression of such sentiments as those of the memorial and resolution of the legislature was calculated to have precisely the opposite effect. Cos hastened to perfect his plans for crushing the state government. He wrote the commanders at Laredo, Santa Rosa and Rio Grande, instructing them to arrest any of the officials and legislators who might attempt to cross into Texas. To Ugartechea, who was now stationed at San Antonio, he wrote: "The legislature at Monclova has determined to imitate Zacatecas. It has called for civic troops on the specious pretext of reduc-

ing the department of Saltillo, thus contravening the law of March 31 last." He instructed him to prevent Texas militiamen from responding to the call issued by Viesca.

Ugartechea succeeded in preventing the militia of the department of Béxar from going to the governor's assistance, and in the departments of the Brazos and Nacogdoches the Anglo-Americans were so angered by the action of the legislature and the governor in disposing of nearly two million acres of Texas land for a pittance that they did not care what happened to them. When Governor Viesca's appeal was published by the *Texas Republican*, the editor appended a note saying that he printed it as a news item merely, and that the paper did not indorse the governor's call for troops "to sustain him and a vile congress (legislature) that have bartered our public lands for a mere song." Moreover, the political chief of the department of the Brazos, in replying to the appeal, declared that the people viewed with horror and indignation "the acts of the present state congress who have manifested a determined disposition to alienate all the most valuable lands of Texas at a shameful sacrifice, and thereby utterly ruin her future prospects."

"The law of the 14th of March last," he declared, "is looked upon as the death-blow to this rising country. In violation of the General Constitution and laws of the Nation—in violation of good faith and the most sacred guarantees—congress (the legislature) has trampled upon the rights of the people and the government, in selling four hundred leagues of land at private sale,

at a price far below its value; thereby creating a monopoly contrary to law and the true interests of the country."

Meantime, the national congress, taking its cue from Cos, passed a decree on April 25, annulling the state law of March 14, which had authorized the governor to dispose of four hundred leagues of land. The land had been sold, however, and the legislature had no choice but to stand its ground and to refuse to recognize the annullment. Thereupon, Cos made this the chief reason for his action in suppressing the state government, and thus very effectively prevented the state officials from obtaining support in Texas.

Thus it came about that the stand of the state government of Coahuila and Texas against the proposal of Santa Anna and the reactionary congress to abolish the federalist form of government received little immediate support among the Anglo-American colonists in Texas. There can be no doubt that the action of the state authorities was sincere and was prompted by a genuine devotion to federalist principles. There can be no more doubt that the real purpose of Cos in marching against the state authorities was to suppress this federalism and to crush opposition to the reactionary program. But the cry of "land speculation" was raised, and for a time this clouded the chief issue. It obscured the fact that Santa Anna and the party of the army and the church were forging chains for Texas and preparing to convert it into a garrisoned dependency of a highly centralized despotism at Mexico City.

On May 21 the legislature adjourned, after authorizing the governor to move the capital to a safer place and

passing other legislation empowering him to raise money by the sale of more land. Meantime, the governor had disposed of another four hundred leagues to S. M. Williams, Robert Peebles and F. W. Johnson, under the terms of a law passed the previous year, which bound the recipients in exchange for the land to raise and equip a force of one thousand men to protect the frontier against the Indians. There were a number of Texans present at the capital, and they urged Viesca to move the state government to San Antonio. Agreeing to this, the governor left Monclova on May 25, guarded by a company of militia, and accompanied by Benjamin R. Milam, who was later to figure in the affairs of Texas, and Dr. James Grant of Parras, Coahuila, the latter a member of the legislature. A few days after leaving the capital the party was captured by a force of Cos's troops and taken to Monterey. Viesca and Grant were sent under guard to Saltillo, but were rescued by a detachment of state troops on the way, and ultimately they found their way to Texas. Milam was detained at Monterey. But the arrest of the governor effectively suppressed the state government, and Cos proceeded to establish a provisional government in its place.

When the Texans who had been present at Monclova returned to Texas they found great excitement existing over an incident which had occurred at Anáhuac, in which there had been a clash between the colonists and customs officials, but there was little sympathy for the suppressed state government. Most of the colonists were entirely out of sympathy with any movement in opposition to the authorities, whether customs officials or the military commandant. There were some who rec-

ognized the seriousness of the situation that was developing, and who appreciated fully that the real cause of Cos's action was the opposition of the legislature to the centralist program of the reactionary congress. It was strongly suspected also that the national government was preparing to send a considerable force of troops to Texas for the purpose of enforcing the new form of government upon the colonists. But for the moment the cry of "land speculation" was so insistent that it diverted attention from everything else, so far as the mass of the colonists were concerned. However, there was a small party in favor of resistance to Cos, and there was even some talk of organizing an expedition to rescue the captured governor. From this point forward the sheer force of events was destined to increase the strength and influence of this party. Indeed, already a chain of events entirely separate from the happenings at Monclova had been started which was destined to bring the Texans squarely face to face with the question of whether they would submit to a military despotism or take steps to decide their own destiny.

CHAPTER XXVI.

THE FIRST CLASH.

It had been Santa Anna's plan all along to send a strong military force to Texas in order to prevent any move the Anglo-American colonists might be inclined to make in opposition to the reactionary program. The excuse to be given for this action was that the troops were needed to protect the colonists from the Indians and that the reestablishment of the custom houses at Texas ports required the presence of the soldiers. The real reason for Santa Anna's anxiety to garrison Texas had no reference either to the protection of the colonists or the collection of revenue. Like other Mexicans, he suspected that the colonists were planning independence, and he was determined to block any such move. When political circumstances made it inevitable that the constitution of 1824 would be abolished, the known federalist opinions of the colonists and their desire to have Texas made a state increased this determination. At the very moment they were asking for statehood, it was reasoned, the Anglo-Americans would not be likely to view complacently the reduction of all of the states of the federation to the rank of mere provinces.

The program for Texas, however, was temporarily delayed because of the need of troops to deal with outbreaks elsewhere. This was probably the chief reason Austin was detained. So long as he was in custody the colonists could be depended upon, it was thought, to

remain quiet. But preparations for the move were made in the meantime. Santa Anna's brother-in-law, General Cos, was made commandant of the eastern internal states in October, 1834, and two months later Colonel Ugartechea, the same man, by the way, who had been defeated by the colonists at the battle of Velasco in 1832, arrived in San Antonio as "principal commandant for the state of Coahuila and Texas." Then early in January, 1835, Captain Antonio Tenorio was sent to Texas to reestablish the custom house on Galveston Bay. He brought with him a small force of poorly-equipped troops and was accompanied by José Gonzales, collector of revenue, and two deputy collectors. Tenorio went to Anáhuac about the end of January, and the two deputies, Martín de Alegria and Gil Hernández, were stationed at that post. Gonzales first reestablished the customs office at Brazoria, but in a short time moved to Velasco. This was the first definite move in the program of "reoccupying Texas."

It was the original plan to follow this up with a steady stream of reinforcements until there should be stationed in Texas a sufficient force of troops to handle any situation that might develop as a result of the colonists' possible opposition to the program of reaction. But new outbreaks in other sections of the republic again caused delays, and then the troubles in Zacatecas and at Monclova occupied the time of all the troops that could be spared in the north. Tenorio, therefore, was without sufficient troops for several months for any sweeping and effective enforcement of the revenue laws. At first most of the colonists were inclined to adjust themselves to the new condition of affairs and to pay the duties re-

quired of them. But so small and poorly equipped was Tenorio's force that smuggling was easy and it was practiced by some from the first. Then others put off the collectors, promising to pay later, and frequently they failed to make good this promise. This condition became so notorious that the colonists who had paid duties on goods and who were inclined to comply with the revenue laws became discontented. The situation placed a premium upon lawlessness. To make matters worse there was a lack of uniformity in the regulations at the ports of Anáhuac and Velasco. At the latter place Gonzales was collecting only tonnage duties, whereas at Anáhuac the attempt was made to enforce the entire tariff law.

There was little prospect that this situation would improve, for Tenorio's supplies became exhausted about the middle of March, and the merchants would not sell him goods on credit as they could not be sure they would ever be paid. He was without funds to pay his men and the morale among them became very low. In this situation somebody who did not like to have the practice of collecting import duties reestablished at Anáhuac hit upon a bright idea. He hired two of Tenorio's soldiers to agitate the question of desertion among the others, and this succeeded so well that several were induced to give up the life of a soldier and leave for parts unknown. The enforcement of the revenue laws, therefore, soon became a joke, except for those conscientious persons who could not bring themselves to violate the laws. Many, however, began to refuse openly to pay any duties and to inform Tenorio and the collectors that they could do what they pleased about it.

This condition of affairs caused great concern to the ayuntamiento of Liberty, which had jurisdiction over the town of Anáhuac, and on April 17 that body issued a proclamation calling attention to the fact that "a proper obedience to the laws is the first duty of a good citizen," and declaring that "the revenue laws, like all other political laws, are to be respected by those who come within the legitimate scope of their action." The proclamation acknowledged that the revenue laws were disproportionate in some particulars and oppressive in others and ought to be modified, but this could be done only by the national congress, and the laws should be complied with in the meantime.

"If the general congress were memorialized on the subject in a proper and respectful manner," the ayuntamiento suggested, "we have no reason to doubt that they would apply the proper remedy. This measure should be adopted without delay, to which we would with pleasure tend our hearty cooperation. In the meantime let us abandon the introduction of foreign articles burdened with heavy duties and those prohibited; let us endeavor to do without them and depend for a time on our own resources."

The proclamation closed with the following warning:

"This ayuntamiento, with great solicitude, caution all persons against using any force, violent threats, or illegal means, aiding or assisting those who may use force, violent or illegal means against the Collector of the maritime customs at Galveston, in the discharge of his official duties, or against any of his officers or other persons lawfully employed in the custom house department;

and we call upon all officers, both civil and military, to lend their aid if required to sustain the revenue officers residing at Galveston and Anáhuac in discharging their respective official duties; and we moreover enjoin it as a duty incumbent upon Commissaries and other officers of police of this municipality to use their best exertions to suppress all mobs, riots, threats or other disorderly conduct against the good order and public tranquillity, or against any of the public functionaries or other individuals of this municipality, and to give timely notice of any such mal-conduct, together with the names of those who may be engaged therein, to competent authorities."

One result of this proclamation was a meeting to petition to the general government to modify the tariff laws. On May 4, about twenty or twenty-five men met at the house of Benjamin Freeman and drew up a memorial setting forth that the colonists were not able to pay the duties imposed, and that it was only at Galveston Bay that the attempt was being made to enforce them. It asked that Texas be exempted from the operation of the tariff laws for five or six years longer. In addition to drawing up this memorial, the meeting adopted a resolution which, after covering the same ground as the memorial, declared against the payment of duties until the situation could be adjusted. It resolved that, "until the object of the preceding resolution can be carried into effect, no duties should be collected in this port unless the collection is also equally enforced throughout the province, nor until then will we pay any duties on importations into this port."

Here was a challenge to the authorities to enforce the

tariff laws if they could. The meeting was small, to be sure, and cannot be said to have been representative, but the note of defiance which it sounded was not lost on the revenue collectors. Within a week after it was held, the collector, Gonzales, and his two deputies decided to abandon the attempt to enforce the laws. Tenorio did not propose to be frightened in this manner, however. Collectors or no collectors, he proposed to see that the legal duties were paid. It would be a dangerous precedent, he said, to permit ships to land their cargoes without any attempt being made to collect duties, and, although he was without any authority to collect them himself, he decided to exceed his authority until another authorized collector arrived. Tenorio was temporarily in better shape to deal with the situation. On May 1 Lieut. Ignacio Durán had arrived with nine men, some muskets and ammunition, and twenty-three hundred dollars to pay the troops. Moreover, he had received assurances from Ugartechea that more reinforcements would arrive in the near future. Ugartechea had quoted a letter from Tornel, the minister of war, which promised that a strong force would be sent to Texas soon. "The supreme government," said Tornel, "is seriously occupying itself with sending a strong expedition to regulate the affairs of Texas. This will take place as soon as the disturbances of Zacatecas are terminated." In another letter from Ugartechea the minister of war was quoted as saying that at least two thousand men would be sent to settle the affairs of Texas. In such circumstances Tenorio kept up the effort to enforce the tariff laws in the absence of a duly authorized

collector. A collector arrived early in June, but the tension between the authorities and the colonists of the jurisdiction of Liberty continued.

On the night of June 12 an incident occurred which had far-reaching effects. A young man from a ship just about to sail went to the store of Andrew Briscoe and asked him for a box in which to move some ballast. Briscoe gave it to him, and he filled it with various kinds of heavy rubbish, nailed it up, and placed it on top of a wheelbarrow of bricks which he was taking to the ship. On his way to the landing he was stopped by a Mexican guard and asked to declare the contents of the box. The young man called an interpreter and through him explained to the guard that the box contained nothing but rubbish and was to be used as ballast. This seemed to satisfy the guard, and Briscoe and DeWitt Clinton Harris, who had come up in the meantime, accompanied the young man to the beach. After the box was put in the boat, however, and Briscoe and Harris were returning, a detachment of about ten of Tenorio's soldiers came up and ordered them to halt. They were informed that they were under arrest, and, making no resistance, they accompanied the soldiers up the hill. As they were ascending the hill, a young man named William Smith approached them from the opposite direction, drawn by idle curiosity to see what was happening. As Smith arrived within ten feet of them, one of the Mexicans without warning shot him down, wounding him severely.

This incident caused great excitement. It developed that Tenorio, upon hearing of the contents of the box, concluded that Briscoe was making fun of the customs

authorities and that the box of rubbish had been sent by him to the beach as a joke. In his report of the affair he said that Briscoe "took from his house a box, and went to the sea-shore to embark it; but the collector and the guard also went to the sea-shore, and when they tried to arrest Briscoe and two other Americans they resisted with arms, and one of them—named Smith—was shot and wounded by one of the soldiers. . . . Mr. Briscoe was simply making fun of the collector with all this business, for, when the box was opened, it was found to be full of mere rubbish."

Harris, who was released next day, sent a report of this incident to San Felipe and it was the chief topic of discussion when the Texans who had been at Monclova arrived with news of the suppression of the state government by General Cos. The arrivals from Monclova also related the accounts they had heard at the capital of Santa Anna's plans to change the whole character of the government, and told of rumors that he intended to send a strong force to Texas to bring the colonists into subjection. As has been said already, there was little or no sympathy among the colonists for the state officials, and now there was a natural inclination to regard the rumors of Santa Anna's intentions as the fabrications of "land speculators" who wanted to stir up support of the state government, in order to insure the grants which the national government had revoked. The troubles with the customs officials were declared by some of the colonists to have been instigated by "foreigners," meaning the shippers engaged in trade with Texas. But the small contingent of the colonists who were convinced of Santa Anna's intentions, and who even invited friction with

the Mexican authorities, made the most of the Anáhuac incident and of the news from Monclova. This contingent—which came to be known as "the war party"—now began to gain new recruits, but they still represented a minor fraction of the colonists.

In the midst of the excitement over the Anáhuac affair and the news from Monclova, a courier bearing a letter from General Cos to the political chief, Dr. J. B. Miller, arrived at San Felipe on June 21. Cos's letter informed the political chief of the capture of Viesca, the governor, and notified him that new officials would be appointed immediately. Meantime, he requested the political chief to maintain order in his department, being guided by the laws of the state, and to refrain from making any innovations.

"Nevertheless," wrote Cos, "your honor will dictate such measures as are in your power, to prevent under any circumstances a disturbance of the tranquillity of the department, placing yourself for that purpose in communication with the nearest military chief, who will afford you every assistance."

Cos evidently feared that an attempt might be made by the colonists to resist his measures and to restore the state government. But there was no danger of such action for the moment. There was some talk among the adherents of the "war party" of organizing an expedition to rescue Viesca, but nothing came of it. However, the arrival of Cos's courier was destined to supply new occasion for disturbing the public tranquillity. A few members of the war party decided that it would be a good idea to search the courier and see if he did not have in his pack letters disclosing Cos's plans with re-

spect to Texas. They waylaid the messenger, overpowered him, and took possession of his dispatches. And the contents of those dispatches proved that the rumors of the intentions of the government to bring the colonists under subjection were true.

The pack contained a number of letters addressed to Tenorio at Anáhuac, one being from General Cos himself, one from Ugartechea and two from personal friends. All of them assured the captain that he was soon to receive strong reinforcements. Cos acknowledged receipt of letters from Tenorio complaining of some of the Texans who seemed "to have persuaded themselves that the ports of the republic were exclusively for the purpose of carrying on a criminal and clandestine commerce." He had forwarded the letters to the national government, he said, and had urged that strong measures be taken to compel the Texans to obey the law. He was sure the government would attend to the matter promptly. Meantime, however, he had ordered the Morelos battalion to Copano, from which place it would be distributed throughout Texas as needed.

"You will operate in every case," wrote Cos, "with extreme prudence, but if by any fatality the public order should be overturned, you are to proceed without any deliberation against whosoever may occasion it; without permitting for any cause the national arms to be tarnished."

The letter from Ugartechea was in the same strain. "In a very short time," he wrote, "the affairs of Texas will be definitely settled, for which purpose the government has ordered to take up the line of march a strong division composed of the troops which were in Zacatecas,

and which are now in Saltillo. . . . These revolutionists will be ground down, and it appears to me we shall soon see each other, since the government takes their matters in hand."

These letters bore out everything that was being said by the members of the war party, and they proceeded to make the most of them. They went immediately to Dr. Miller, the political chief, and laid the contents of the letters before him. They urged him to take steps to meet the situation. Miller became alarmed and without delay issued a proclamation to the people calling them to arms. He proposed that an expedition should be sent to rescue Governor Viesca and bring him to Texas.

"Are you prepared," he asked, "to receive such a government as it may please Commandant General Cos and his masters to give you and again receive a military officer as your governor; or will you support and maintain the officer your own voluntary vote placed in office and who now lies in prison on account of the vote made in his favor? I think by the feelings which I have that I can answer, you will never submit tamely to such a course. The object is to establish the Supreme Executive authority of the State of Texas. This is highly important, and it behooves every man to strain every nerve to accomplish so desired an object, and, in obedience to the orders we have received, to turn out immediately, ORGANIZE, and march to his relief and bring him to a place of safety in this favored Texas. . . . You will march to this place as soon as possible and wait for further orders."

This proclamation created a sensation and, as shall be

seen, it soon encountered strong opposition. But while the excitement was still at its height the leaders of the "war party" worked up a meeting at San Felipe to adopt suitable resolutions. The meeting was held next day, June 22, and was presided over by R. M. Williamson. It issued an address to the citizens of Coahuila and Texas calling upon them to rally to the support of "liberty, the constitution, and federation." This address declared that it grieved the people of the jurisdiction of San Felipe to witness the frustration of the hopes of patriots and the desires of a numerous people, so recently freed from Spanish tyranny, and to see a system equally despotic imposed upon them anew. The people of Texas had been convinced for a long time that the government was tending toward the destruction of the constitution, it continued, but being such recent settlers they had left it to native citizens to raise the voice of protest. They would not protest even now but for the fact that the usurpations of the general government had reached the state of their adoption. They had always adhered to the constitution, and would continue to do so, and, as they understood it, the constitution fixed definitely the respective spheres of the state and general governments.

"We consider that the general government was created for objects wholly exterior, and that the regulation of their internal affairs was left to the states," declared the address. "An invasion of the rights of another by whatever power is uniformly dangerous, and uniformly to be resisted. Such invasion has been committed by the general government against the state of Coahuila and Texas: (1) In the persons of the representatives in the national congress, when they were pre-

vented by military force from discharging the duties of their office; (2) by the decree of the president ordering a new election of officers in opposition to a regular and constitutional election previously held; (3) by the decree of the general congress disbanding the civil militia and requiring the states to surrender their arms; (4) by the decree of the general congress prohibiting the state of Coahuila and Texas from issuing letters of citizenship to its colonists; (5) by the arrest by regular troops of Don Augustin Viesca, the constitutional governor of the state; (6) by the overthrow of the state authorities by regular troops; (7) by the recent resolution declaring that the general congress has the right to alter the constitution and form of government at its pleasure without pursuing the mode pointed out by that sacred instrument; (8) by the creation of a dictator with absolute power whose only rule of conduct is his own will and pleasure; and (9) by numerous other acts, all manifesting a total disregard for the rights of the states, and a determination of the present ruling authorities of the nation to prostrate the republican federative principle."

The address declared that against all of these usurpations the people of San Felipe protested, and that they would maintain the federal and state constitutions as they were originally adopted, and would support the governor and all other state officials in the discharge of their duties. To this purpose they pledged their "lives, fortunes and sacred honor." They would never abandon the contest until the last drop of blood of the last man in Texas was spilled. The Coahuilans were urged to stand firm in the support of the constitution in order to

stimulate other liberals in Mexico to activity. The Texans, declared the address, could muster ten thousand rifles, and could never be driven from Texas, and the people of the United States were interested in their fortunes and in the hour of danger thousands would flock to their aid.

Here was a detailed and clear declaration against the whole program of Santa Anna and the centralists. It was a clarion call to the federalists of all Mexico to resist. But the bulk of the colonists were not yet ready to take such a stand. The next day a similar meeting was called at Columbia, and though everything had been prepared to put through resolutions of like purport, the program was blocked when Henry Austin objected that neither the political chief nor any such small gathering had the right to commit the people of Texas to so definite and unequivocal a declaration. He proposed that action be postponed in order that a larger meeting might be held and the true sense of the people obtained. After some heated discussion this view prevailed, and the following resolutions were unanimously adopted:

"1st. *Resolved*: That in the sense of the present meeting it is inexpedient to adopt any measures of committal, until all citizens of this jurisdiction can be consulted in general meeting.

"2nd. *Resolved*: That the political chief be requested to take the sense of the citizens of his department, in regard to the most proper political measures to be adopted on the present occasion.

"3rd. *Resolved*: That we recommend to the citizens of Texas, union, concert, and moderation in the adoption

of measures to meet the present crisis; and that we pledge our fortunes, lives and honors in support of such measures as the majority may adopt.

"4th. *Resolved*: That a general meeting of the citizens of this jurisdiction be called to take place in the town of Columbia, at 12 o'clock on Sunday, the 28th inst.

"5th. *Resolved*: That the chairman be requested to address a letter to the political chief, enclosing him a copy of these resolutions, and assuring him that he will find us at all times ready and prompt to discharge our duties as good citizens.

"6th. *Resolved*: That the proceedings, together with the political chief's letter, be published in handbill form, and in the *Texas Republican*."

Thus it was that definite action was postponed until the following Sunday, which was five days off, and meantime both parties put forth every effort to have a full representation on hand. A letter from Henry Austin to James F. Perry, giving an account of the situation and urging him to attend the Sunday meeting, illustrates the activity of the peace party.

"An attempt has been made here today," he wrote, "to involve us in an immediate revolution by sending troops forthwith in obedience to a call by the chief of police to fight the federal forces—a report and resolutions were produced, cut and dried in caucus last night, compromitting us at once. I moved as an amendment: That the further consideration of the subject matter before the meeting should be postponed until the great body of the people of this municipality could be convened to express their sentiments as to the expediency of

a measure involving the security of the rights and property and the safety and lives of the families of the people. This was not admitted by the agitators as an amendment, when it was determined to put the report and resolutions to vote first and then take the vote on my motion. On division two-thirds were against their report. They then, without taking a vote on my motion, so modified their resolutions as to effect the same purpose, which being agreed to, they appointed a committee to draft a report and resolutions to be proposed to the meeting Sunday. It was proposed to add me and R. Williams. I declined to aid in forestalling the sentiments of the people, wishing the meeting on Sunday to be left free to appoint their own committee, and the people will reject their report on that ground if it be put to them. You and Pleasant McNeil must be here, . . . everyone who can give a vote, for the cast is to be made which will lose or win all our hopes in Texas."

As an example of the activities of the war party, an article published in the *Texas Republican* the day before the Sunday meeting, and intended to influence its action, will suffice. It was headed "Important," and read as follows:

"Facts new, and than which none can be more important, have been developed since the meeting of the people at Columbia on the 22d instant.

"At that time it was merely anticipated from circumstances that Texas was threatened with impending ruin. Now, these anticipations are about to be but too well realized.

"That a law has been passed by the general congress by which the colonists of Texas are disfranchised is a

matter that admits of no doubt. The object is easily seen by the most indifferent observer. We are virtually made aliens by its operation, and all the rights of citizens, heretofore vested in us by law, are at one single blow prostrated. Under this pretext their soldiery will assume the right of expelling the inhabitants, and all the benefits resulting from years of toil and hardships are in a moment sacrificed.

"From information received last night, which is entitled to the utmost credit, we understand that the troops under the command of General Cos are now embodying with the avowed intention of making a descent on Texas. Their numbers will be about three thousand; with Santa Anna probably at their head. They have been for some time making preparations for this movement, and a large amount of public stores are now deposited at La Bahía.

"The foreign vessels in the port of Matamoros have already been pressed into service for the purpose of transporting the troops.

"It is contemplated that they will land at Labaca, in twenty or thirty days, and their headquarters will be established at Béxar.

"There have lately been transported from Orleans to La Bahía about six hundred barrels of flour and a quantity of powder.

"These facts are submitted without comment. They speak loudly for themselves. Their language cannot be misunderstood. Let the people think and act for themselves. Let them ask what is to be done. The answer seems to be obvious. Organization can only be effected by the immediate establishment of a provisional government."

This article seems to have been based upon information contained in a letter written to the political chief, Dr. Miller, from Hatch's plantation on the Lavaca on June 22, by James Bowie, who had just reached Texas from Monclova, where he had been in attendance at the meeting of the legislature. "I have just arrived here from Matamoros," Bowie wrote, "and as all communication is cut off between Texas and all other parts of the republic, I take this opportunity of giving you some information that may be useful to Texas. I left Matamoros on the 12th of the present month. All the vessels in the port were embargoed for the purpose of transporting troops to the coast of Texas. The commandant, General Cos, forbid all foreigners from leaving the city under any circumstances. I ran away and succeeded in getting this far safe. Three thousand troops had reached Saltillo on their way to Texas. All this may not be news to you. I will be with you in a few days by way of Brazoria."

This information from Bowie was undoubtedly authentic and the article in the *Texas Republican* did not exaggerate the situation. But when the meeting convened at Columbia, with a full representation of the people of the district present, it was found that the vast majority of the colonists favored conservative action. W. D. C. Hall was elected chairman and Byrd B. Waller secretary. The proclamation of the political chief and other documents bearing on the situation were read, and then a committee was chosen to prepare a report and resolutions. This committee was composed of John A. Wharton, W. D. C. Hall, H. Smith, J. F. Perry, J. H. Bell, S. Whiting, G. B. McKinstry, W. C.

White, P. B. McNeil, F. Bingham, J. A. Phelps, Edwin Waller, E. Andrews, J. P. Caldwell and E. G. Head. Some of these men were among the leaders of the war party and others of the peace party, indicating that unity was being sought above everything else. The committee drew up a report and resolutions, which were unanimously adopted, and which subsequently became the model for similar expressions throughout Texas. They were as follows:

"To the Citizens of the Jurisdiction of Columbia: Your committee having given the subject upon which they were to report as thorough an investigation as the time and circumstances will permit, beg leave to submit the following report:

"Your committee view with the deepest regret and greatest alarm the present political situation of Texas, and recommend to this meeting, and their fellow citizens generally, union, moderation, organization, and a strict adherence to the laws and constitution of the land. Your committee protest against the acts and conduct of any set of individuals (less than a majority) calculated to involve the citizens of Texas in a conflict with the Federal Government of Mexico, and particularly protest against the proceedings of those persons at Anáhuac who gave the collector of customs, Don José Gonzalez, a series of resolutions declaring that they would not obey the revenue laws of Mexico. They denounce such persons as foreigners, and disclaim all participation in the act whatever. Your committee further declare that they are the faithful and loyal citizens of Mexico, and that they are disposed and desirous to discharge their

duty as such and that it is their wish and interest to remain attached to the Federal Government of Mexico. Your committee recommend to the political chief the adoption of the most prompt and energetic measures to chastise the savages that have lately committed depredations on our frontier citizens; and beg leave to present the following resolutions:

"*Resolved*, That inasmuch as Texas is left in a state of anarchy, and without governor, vice-governor, or council, that we recognize the political chief as the highest executive office, and that we earnestly recommend an immediate organization of the militia for the protection of the frontier, and that he suspend further orders until the whole people are consulted, and also that he recommend a similar course to the chiefs of the other departments of Texas.

"*Resolved*, That the political chief be requested to correspond with the other chiefs of departments in Texas, and request them to co-operate with him in electing three deputies from each jurisdiction of their several departments to meet the chiefs of departments in public council, with full powers to form for Texas a *Provisional Government*, on the principles of the constitution, during the reign of anarchy in the state, and that they meet as soon as circumstances will possibly permit.

"*Resolved*, That a committee of five be chosen to wait on the political chief with the views of this meeting, and that they remain a permanent committee of vigilance, correspondence and safety.

"*Resolved*, That the political chief be requested to address the Executive of the Federal Government of

Mexico, representing to him the peaceable and loyal disposition of the citizens of Texas, and their great desire to remain attached to the Federal Government.

"*Resolved*, That the political chief be requested to address the citizens of this department, commanding them to adhere strictly to the laws and constitution of the land.

"*Resolved*, That we will support the political chief in the discharge of all constitutional duties.

"*Resolved*, That the chairman of this meeting be requested to address a letter to the political chief, enclosing him a copy of the proceedings of this meeting."

After the adoption of this report, the following were named as members of the committee of vigilance, correspondence and safety, and to wait on the political chief: W. D. C. Hall, J. A. Wharton, W. H. Jack, J. G. McNeil and G. B. McKinstry.

It will be noted that the Columbia resolutions, by implication, refused to take any part in the controversy between Cos and the state government and refrained from any criticism of the course of Santa Anna and the reactionary congress in their progress toward centralism. They refused, of course, to support the call of the political chief to go to the rescue of the imprisoned governor of Coahuila and Texas or the declaration of the San Felipe meeting inaugurating a revolt against the national government. But it should be noted also that while ignoring the political chief's call for troops to defend the governor and uphold the state government, it recommended to him that he should immediately organize the militia "for the protection of the frontier." Troops organized for such a purpose would be just as

useful against the Mexican army, should the occasion arise, and this was precisely the idea in the minds of the members of the committee when they framed the recommendation. The Columbia resolutions, in short, were intended to unite all parties, to keep clear of conflict with the federal government, to deny support alike to Viesca and the provisional state government Cos proposed to set up, and finally to set up a provisional government in Texas to maintain order and safeguard the welfare of the colonists. It is not hazarding much to say that the bulk of the colonists who attended the Columbia meeting and of those throughout Texas were not willing to permit the introduction of a considerable armed force of Mexicans into Texas, but most of them thought it wise to take no action until circumstances compelled it. Above all, they were opposed to everything that might invite an invasion by the Mexican army—such as the political chief's proclamation, the San Felipe resolutions and the troubles over the tariff at Anáhuac. But at the same time they desired that every preparation should be made to meet an invasion, should one be attempted. The immediate creation of a committee of vigilance, correspondence and safety, the organization of the militia and the forming of a provisional government as soon as possible would place Texas in a condition of preparedness. Such was the proposal of the Columbia meeting, and such proved to be the sense of most of the meetings held throughout Texas during the next month.

Before the committee reached San Felipe to present the resolutions to the political chief, however, members of the war party had taken a step of the utmost

gravity. On the night of June 29 twenty-five men, commanded by William B. Travis, captured the fort at Anáhuac, and the next morning Tenorio signed articles of complete surrender. Travis was widely criticized throughout Texas for this escapade, but an impartial examination of the circumstances shows his whole course to have been not only gallant and patriotic, but prompted by deliberate common sense and not by unthinking recklessness.

The decision to attack Anáhuac was made at a public meeting at San Felipe on June 22, immediately following the adjournment of the one which had declared war in defense of the legitimate state government and the constitution of 1824. Consider the situation: The political chief had issued a call for men to take up arms and go to rescue Viesca, the imprisoned governor. Then the meeting at San Felipe had in effect inaugurated a revolution to resist the program of Santa Anna and the reactionaries and to uphold the constitution of 1824. The letters of Cos and Ugartechea to Tenorio, which had been taken from Cos's courier, had disclosed that strong reinforcements were on their way to Anáhuac. In such circumstances was it not the part of wisdom to take Anáhuac before the enemy stationed there should be strengthened by reinforcements? Was it not important in the war that was imminent to control that strategic point on the coast? Immediately after the San Felipe meeting adjourned somebody thought of this, and the result was that another meeting was convened. About two hundred men were present, and Dr. Miller, the political chief, presided. An account of the trouble at Anáhuac, on the evening of the 12th, which had re-

sulted in the arrest of Briscoe and the shooting of Smith, was related to the meeting, and it was said that the people there had organized a volunteer company. It was pointed out that Mexican reinforcements were on the way to Anáhuac. The meeting accordingly adopted resolutions authorizing volunteers to expel Tenorio's garrison from Anáhuac before the reinforcements arrived.

Travis, though a young man, was a natural leader, and had been recognized as such among the more radical of the colonists since his imprisonment by Bradburn in 1833. He was fully six feet in height, weighed one hundred and seventy pounds, had a fine-looking figure and was possessed of a winning personality. He was only twenty-seven years old and his virtues were still those of youth. He was impetuous, gallant, patriotic and brave. Feeling that the time had arrived when the Texans were to resist the Mexican authorities to the limit, he immediately acted upon the authorization of the meeting and began to raise a volunteer company to capture Anáhuac.

Thirty men from San Felipe and Harrisburg signed an agreement to take part in the expedition. The place of rendezvous was fixed at Lynch's ferry and soon all preliminaries were arranged. Ten of the men from San Felipe failed to report, however, and three of the Harrisburg contingent backed out at the last minute. This reduced the force to seventeen men, but eight new recruits from Lynchburg and Spilman's Island brought the number up to twenty-five. Travis was elected captain, Retson Morris first lieutenant, and Ashmore Ed-

wards second lieutenant. Travis appointed John W. Moore orderly sergeant. Thus organized, the party embarked on June 29 from Clopper's Point in the sloop Ohio, which had been chartered from the owner, David Harris, at Harrisburg.

Within a half-mile of shore, opposite Anáhuac, the sloop was grounded, and it became necessary to land in small boats. Before doing so, however, Travis ordered a shot fired from the small cannon they had on board, by way of warning of their approach. Tenorio, hearing the shot and witnessing the landing of the party, sent one of his men with a note inquiring the purpose of the visit. Travis replied that they had come to demand the surrender of the post. Tenorio asked to be given until the next morning to reach a decision, but Travis informed him that he must surrender within an hour or the garrison would be attacked. Before the hour expired it began to grow dark, and Travis ordered an advance. Upon reaching the fort the Texans found it deserted, for Tenorio had taken advantage of the delay and withdrawn to the neighboring woods. Travis took possession and set about planning a pursuit of the Mexicans. Tenorio, however, had by this time recognized that resistance would be hopeless, and sent to Travis asking for an interview. The result was that the next morning Tenorio signed a formal surrender. Sixty-four muskets and bayonets were turned over to the Texans, and the Mexicans of the garrison, forty-four in number, agreed to return to San Antonio, twelve being permitted to retain their arms as protection against Indians. The Mexican officers were required to promise not to take up arms against the Texans in the future.

Having settled all this, the Mexicans and the Texans together returned to Harrisburg on the sloop, arriving there just in time for a barbecue which was being held in celebration of the Fourth of July. Tenorio and his men mingled with the colonists and took part in the jollification. It is said that Tenorio was quite the hero of the occasion.

However, when the news of this incident got abroad, there was a storm of condemnation of the action of Travis and his companions. Resolutions were adopted severely criticizing him and all those who took part in the capture of the fort, and disclaiming any manner of sympathy with such a proceeding. Travis chafed under this criticism, but refrained from making any immediate defense of his action for fear of complicating the situation still further. Meantime, for several weeks he published a card in the *Texas Republican*, asking the people to suspend judgment until such an explanation and defense might be made, promising to make one in due time. He actually drew up such a defense and sent a copy of it to his friend, Henry Smith, to be inserted in the *Texas Republican*. Smith evidently decided that it was best to let the matter rest, for it was never published. The original copy of the statement, which was to have been accompanied by other documents, is still preserved. It bears the date of September 1, 1835, and reads as follows:

"To the Public:

"The undersigned published a card some time since, stating that he would give the public his motives in engaging in the expedition to Anáhuac which resulted in the capture of the garrison of that place on the 30th of

June last. Circumstances beyond my control have hitherto prevented me from redeeming the pledge therein given. I will now do so in a few words.

"I refer the public to the following documents to show what were my motives in that affair. At the time I started for Anáhuac, it seemed to be the unanimous opinion of the people here (San Felipe) that that place should be reduced. The citizens about Galveston Bay, who had formed a volunteer company for the purpose, sent to this place for aid. The political chief approved the plan and presided at a meeting of about two hundred persons who adopted the resolutions which appear below.

"Being highly excited by the circumstances then stated, I volunteered in that expedition, with no further motives than of patriotism and a wish to aid my suffering countrymen in the embarrassing strait to which they were likely to be reduced by military tyranny. I was casually elected the commander of the expedition, without soliciting the appointment. I discharged what I conceived to be my duty to my country to the best of my ability. Time alone will show whether the step was correct or not. And time will show that when the country is in danger I will show myself as patriotic and ready to serve her as those who, to save themselves, have disavowed the act and denounced me to the usurping military. "W. BARRETT TRAVIS."

Time did indeed show Travis to be a patriot of the purest character and of the most self-forgetting devotion to his country. But for the moment his act was regarded as rash and ill-advised.

CHAPTER XXVII.

MOVE TO PRESERVE PEACE.

When the news of the action of the Columbia meeting of June 28 reached San Felipe it had a sobering effect upon many of those who had taken part in the gathering which had declared for the support of the state officials and the constitution of 1824. Dr. Miller, the political chief, began to think that perhaps he had acted a little hastily in calling the colonists to arms, and the criticism of the attack on Anáhuac, which was soon to be heard on all sides, confirmed him in that opinion.

The more active of the leaders of the war party, however, were not so easily turned aside from their purpose. They were watching events at Mexico City, and they were convinced that when a majority of the colonists fully appreciated the intentions of the reactionaries in control of the government they would resist. Congress had already made definite progress toward abolishing the constitution of 1824. On May 2 that body had formally declared that it had been vested by "the will of the Nation" with the power to make any changes in the constitution it might think best calculated to promote the welfare of the people, without following the provisions of that document with respect to the method of amending it. This meant plainly that the constitution of 1824 was abolished, and that congress had assumed the power of drawing up a new constitution. The leaders of the war party in Texas were fully aware that

Santa Anna and the reactionary leaders were determined to create a highly centralized and despotic military government, and they had no doubt that troops were being sent to Texas for no other purpose than to force the colonists into subjection. They felt that if the colonists realized this fully, they would not submit to it. In any event they were certain that prompt organization and resistance of any attempt to send additional troops to Texas afforded the only hope of preventing Santa Anna from carrying out his plans with respect to bringing the colonists under subjection.

The action of congress was presumed to be based upon "the will of the nation," but no attention had been paid to memorials sent to the government by gatherings of federalists in different parts of the country. On the contrary, any formidable movement against centralism was promptly dealt with by the military. In Zacatecas Santa Anna had ruthlessly destroyed the state government because it dared to defend the constitution of 1824, just as Cos had destroyed the state government of Coahuila and Texas. Two thousand of the soldiers of the state militia of Zacatecas had laid down their lives in the struggle, and twenty-seven hundred prisoners had been taken. The state had been completely disarmed by the confiscation of all arms and ammunition within its borders. In the face of such coercion as this, it was farcical to talk about the "will of the nation." It was plain that by the use of the army the reactionaries in control of the government were overawing all opposition to their designs.

The leaders of the war party were convinced that the only hope of saving Texas from the despotism that

was being prepared for the whole country was to keep Mexican soldiers outside its borders. Instead of apologizing for the attack on Anáhuac, therefore, they now proposed that San Antonio must be taken, in order that it might not be used as a base of operations against the colonists. R. M. Williamson, who had presided over the San Felipe meeting, replied to the Columbia resolutions on July 4 by publishing an address to the people of Texas. Williamson swept aside as trivial all local controversies, particularly the charge that the movement of resistance was being promoted in the interest of land speculators, and told the colonists plainly that they were threatened by tyranny.

"I have been your fellow citizen for years," he said, "and you cannot believe that I am influenced by speculation. On the honor of a man I assure you that I have all to lose and nothing to gain by the disturbances of our country; and I am in no way connected with the speculation or the speculators."

"Fellow-citizens," Williamson continued, "you are in the midst of a revolution that threatens your destruction, and without knowing it you stand on a precipice that crumbles beneath you and threatens to precipitate you in the abyss below. You are lulled to sleep in the belief that speculation alone has created the present excitement. But be entreated no longer to indulge in this dangerous belief, but to examine for yourselves the true situation of affairs. Examine for yourselves the late movements of the general government. Look into their ulterior designs as avowed by congress, and you will perceive that, so far from speculation having anything to do with the present subject, the troops of the general

government are on the march to Texas for the purpose of compelling you to either leave the country or submit to an impartial government with strong military stations in your country to awe and keep you in subjection.

"Your republican form of government is broken down, your state authorities have by the military been driven from the exercise of their constitutional duties and they detain in custody the governor of your state and of your choice. Not only in Coahuila has this arbitrary and despotic course been pursued, but other states of the federation mourn the loss of their constitutions and their liberties, and at this moment the proud and gallant and republican state of Zacatecas mourns the loss of two thousand citizens, slain in battle by the troops of Gen. Santa Anna, and the survivors now endure the galling chains of military rule. Durango and other states have fallen beneath the rule of military power, and every state and province of the Mexican Republic (excepting Texas) has submitted to the Dictator."

Williamson then reviewed the events of the previous three or four months, enumerating the encroachments on the federal constitution and the evident purpose of the reactionary congress to change the form of the national government. He recounted the ruthless manner in which opposition had been put down in other states, detailed the occurrences in Coahuila and pointed out the far-reaching effect of the national law abolishing the state militia. He pictured all the states as prostrate before the national army and powerless to resist the tyranny that was in process of creation at Mexico City.

"All the states," he said, "have succumbed to the military, and as Texas is the only spot unconquered,

Santa Anna is marching his troops here to compel a submission to the new government. And the people have to determine whether they also will yield to the power of the Dictator. Give up their arms, suffer their country to be garrisoned with strong military posts, and live under the rule and sway of the military. They must do this or they must prepare for war; they must submit to the military government or they must defend their province and their rights with the sword and the bayonet; and they must do this without delay, for the enemy is fast approaching our country.

"Fellow-citizens, let me again assure you that this is the true state of affairs. These are the reasons that actuate the general government. The sale of the four hundred leagues of land has nothing to do with the subject. You are justly indignant at that sale; so also am I; so also is the meeting which I represent; but that can and ought to have no weight with the public mind at this time. It is too inconsiderable to be noticed when compared to the importance of our country, our property, our liberty and our lives; which are involved in the present contest between the states and the military. Two spies from Colonel Ugartechea, stationed at San Antonio, were arrested at San Felipe, and in their possession the official correspondence of Ugartechea and General Cos was found. General Cos writes the commandant at Anáhuac that the two companies of Nuevo Leon, and the Morelos battalion would sail immediately for Texas and that they would be followed by another force, which he had solicited the government for, and which he had no doubt would be obtained. Colonel

Ugartechea says that the business of Texas will be soon regulated, as the government has ordered a large division, composed of troops that were sent against Zacatecas, to Texas, and these are now at Saltillo. That force is three thousand, four hundred men.

"For what, fellow-citizens, are they coming? In the name of GOD, say not speculation! They are coming to compel you into obedience to the new form of government; to compel you to give up your arms; to compel you to have your country garrisoned; to compel you to liberate your slaves; to compel you to swear to support and sustain the government of the Dictator; to compel you to submit to the imperial rule of the aristocracy, to pay tithes and admiration to the clergy. For these purposes, fellow-citizens, they are coming, and for this purpose a party of soldiers, it is said, have already landed at Copano. . . . Five hundred troops can so fortify San Antonio as to resist the united attack of all Texas. In that situation they have only to send out their parties of men and harass and destroy the country, without ever coming to a pitched battle; they will so annoy and harass the country by their continual depredations and alarms that, wearied out, dispirited, and disheartened, the people will gladly retreat beyond the Sabine. When you least expect it they will descend upon you and call you from your fields to battle, and before you can rally they will kill and burn and destroy. In the depths of winter they will call you by their depredations to the field, and a thousand attacks and a thousand false alarms will destroy your patience and your property and make your country not worth contending for. But, if possible, even worse than all this, you permit an enemy to

be there stationed that will send the Indians continually upon you.

"Inhabitants of the frontier: Your situation will be deplorable; instigated and protected by the Mexicans, the Indians will be your constant enemies; they will be the continued ravagers of your country and destroyers of yourselves. If you drive them from your neighborhood, they will seek refuge and protection under the troops of San Antonio, and will retire only to return with renewed violence and destruction. You will hear around your habitations the Indian yell mingling with the Mexican cry; and the shrieking of your murdered wives, rousing the slumbers of the cradle from the midst of your burning dwellings, will tell you when too late of the error of your policy in permitting San Antonio to be garrisoned by Mexican troops. Fellow-citizens, depend upon it, your policy is wrong and the danger is great. If you would save the country and protect the frontier, San Antonio must be taken. . . .

"Three-fourths of the people are newcomers and have as yet received no titles to their lands. The last legislature passed a law decreeing that every person in Texas should receive their land, but before the commissioners were appointed the governor was arrested. In what manner are these citizens to get the titles to their lands? The intention and policy of the present ruling authorities of the nation is to destroy the system of colonization; and, so soon as the military become possessed of Texas, that soon will the last league of land be given to North Americans; instead of recovering titles they will be declared foreigners and driven from the land. . . .

"*Fellow-citizens of Texas*, our interests are common, and no possible reason can exist for a difference of opinion. We may differ as to the mode to be pursued; but one sentiment can pervade every breast, which is the safety and protection of our country. Let us by all means harmonize and act in concert, for it is only in union that we are strong, only united can we succeed. Let us no longer sleep at our posts, let us resolve to prepare for war; and resolve to defend our country against the danger that threatens it. A sacrifice has to be made. Let us sacrifice a portion at once in order to secure the remainder. Already we can almost hear the bugles of our enemies; already have some of them landed on our coast; and you must prepare to fight. Liberty or death should be our determination, and let us one and all unite to protect our country from all invasion, and not lay down our arms so long as a soldier is seen in our limits."

In spite of this ringing appeal, the expressions of meetings in different sections of Texas during the next few weeks were conservative in character and followed the general lines of the Columbia resolutions. On the same day that Williamson's address was issued two meetings were held, one in the district of Lavaca and another at Mina, both of which indorsed the Columbia resolutions. Three days later a meeting at Gonzales made a declaration even more conservative than that of Columbia, and specifically protested against any attempt to organize a provisional government in Texas. It condemned the "late sale of four hundred leagues of our lands" and protested "against those acts which tend to a resistance of the revenue laws of the government." It expressed "full confidence in the favorable disposi-

tion of his Excellency the President and the General Congress towards Texas," and pointed out that the course pursued by the citizens of Texas "when called on by the Governor of the State to move against the Federal troops, with offers of reward to those who should obey the order—in refusing to leave Texas to interfere in the quarrels of the Republic—if duly considered, furnishes conclusive proof of the loyalty of the inhabitants of Texas towards the nation, and their unwillingness to become embroiled with them."

Meantime, the committee from Columbia arrived at San Felipe and placed the resolutions of the meeting of June 28 before the political chief, Dr. Miller. Miller already had drawn up a letter to General Cos making the best explanation he could of the waylaying of the courier and the attack on Anáhuac, and intended to enclose a copy of the Columbia resolutions to show the loyal feeling of the colonists. The draft of his letter set forth that the people had been excited by the fear that the general government, being misinformed of the loyalty of the colonists, was "disposed to pursue a course of rigor towards us, which would be extremely unfortunate." Miller had not sent this letter when the committee from Columbia arrived on July 3, for he seemed to waver for the moment between the two factions. Moreover, he undoubtedly was mindful of the fact that it would be difficult to explain to Cos his own proclamation calling the colonists to arms. However, he told the committee that he had come to regard the course of the Columbia meeting as the wiser one, and while he declined to send to Cos and Ugartechea the assurances which the resolutions suggested, he agreed to do

what he could to quiet the fears of the colonists. In compliance with this promise, he issued a proclamation on July 10, addressed "To the Inhabitants of the Department of Brazos." This document read as follows:

"Fellow citizens: Feeling duly impressed with the importance of the present crisis in the affairs of Texas, and the alarming extent to which anarchy seems likely to prevail, I deem it my duty as the highest constitutional officer of the department to call upon you in the name of the constitution and laws of the land which we have sworn to support, to remain quiet and tranquil. In the present condition of our country, it is alike important to the common safety of all that no other orders should be obeyed but those issuing from the proper officers and that no movement should be made but a common one, in a common cause. I have therefore thought proper to issue this proclamation, commanding and exhorting all the good citizens of this department to remain strictly obedient to the constitution and laws of the land and to engage in no popular excitement not expressly authorized by this Chieftaincy.

"These orders are necessary to prevent anarchy and confusion, which are the worst enemies that Texas can have. They have been dictated by the general good of the inhabitants and I entertain the most sanguine hopes that they will be obeyed."

In a few days Miller issued another address to the people, in explanation of his former action in calling the colonists to arms, and declaring that he had been alarmed by unfounded rumors at the time.

"I deem it my duty to say a few words in explanation of my course," he said. "Having no interest separate

from the people's interest and no design but to discharge my important duties with honesty, I trust that the public will understand and justify my whole proceedings.

"During the late excitement, at an early period I received orders as the political chief from the governor of the State, to proceed with men and arms to his rescue. At that time also it was reported that besides the arrest of the governor and others, an army of some thousand men were then marching to Texas for its subjugation. This request from the governor of the State, and very unpleasant reports of the day, had the same effects on myself that they had on the people generally. We were all overwhelmed with surprise, and for a moment lent an ear to unfounded rumors. In this state of things and in obedience of the legal head of the States, and in obedience to the earnest protestations of a number of influential citizens around me, I proceeded to call on the people to come forward at the request of the governor. It was not designed by me to proceed to any hostile measures; my inclination was to obey orders or, if reports proved true, defend ourselves.

"At a meeting of citizens in June last, I was called to sit as chairman. My fellow-citizens will readily understand that I sat on that occasion not as political chief, but as any other individual to keep order and perform the ordinary office as chairman. My taking the chair cannot even be made to appear as giving sanction to the proceedings of the day. Yet some intimation has been given that inasmuch as I was chairman of the meeting I have given sanction to all that was done; nay, even more, it is asserted that the political chief gave orders in reference to Anáhuac as well as to

other matters, which were merely voted on by the citizens assembled at the meeting aforesaid in the first emotions of their surprise. It may appear unlucky that I should have been named to preside at such a meeting, since the duties I had as political chief are so responsible and so important; but I fear not for a moment that my motives will be misrepresented by the public.

"Fellow-citizens, my temper and inclinations have always been for peace. I have no hope but public tranquillity and order; I stand before you in the unenviable position of one who loves quiet but who is forced by a high and honorable office into the turmoils and contentions of party.

"Having said thus much for myself, allow me to close this appeal to my fellow-citizens and friends by expressing the felicity which I feel at the new and happy appearance which our political affairs have assumed. . . . Your political chief is happy to be able to proclaim to the world that the people of Texas in general, everywhere and in the most honorable and warm-hearted manner, on this as on all former occasions, declare themselves grateful to the Mexican government for the indulgence and various bounties which they have received. None of the citizens of the Mexican Confederacy can be more attached to the constitution and peace and order than those of Texas. They feel no inclination to intermeddle with the difficulties of the other states, much less with the jealousy of discontented and fractious individuals.

"Fellow-citizens, I shall close with one single suggestion. It is that we always act with caution. The late

unnecessary alarm, proceeding out of false information, has taught this salutary lesson of caution and moderation. To profit by experience is the high purpose of wisdom; and patriotic wisdom, combined with patriotic attachment to the laws and the love of peace, will be sure in all events to lead to the felicity of each individual and all the citizens of Texas."

There is reason to believe that Miller and other leading colonists were convinced that the "rumors" that Mexican troops were being sent to Texas to subjugate them were "unfounded." Both Ugartechea and Cos himself had given assurances of the good will of the government, even after the taking of Anáhuac, and this undoubtedly influenced Miller's attitude. Ugartechea wrote that the troops which had been ordered to Texas had no hostile purpose, but were coming simply to garrison the custom houses and to protect the colonists from the Indians. Then Cos, at the suggestion of Ugartechea, issued an address on July 12, to the political chiefs of the three departments of Texas, assuring them of the friendly attitude of the national government and the peaceful purpose of the sending of troops to Texas. This address was as follows:

"Under this date I have to say to the Political Chiefs of the Departments of Béxar, Brazos and Nacogdoches the following:

"The entire want of police for some time past in Texas has necessarily contributed to the introduction of many men without country, morality, or any employment to gain a subsistence, who, having nothing to venture in a revolution, are continually occupied in fanning the flame of discord and endeavoring to persuade

the honest people of Texas that the Supreme National Government entertain views and intentions hostile and fatally prejudicial to their interests.

"As this unheard-of falsehood might precipitate good citizens to confound themselves with the perverse, I believe it to be my duty to save them, appealing to their good judgment for the rejection of those vile suggestions, and entreating them to think only of the augmenting of their property, respecting always the laws of the land; in this case they always have the support of the general government and every kind of guarantee which the general commandancy can give.

"I have been informed that seditious persons, in order to gain their ends, endeavor to make the entrance of troops, from the President of the Republic thither, to be looked upon as the commencement of military subjection.

"If this extravagant idea has blinded the incautious, the sound part of the people must have rejected it as it deserved, because it is not credible that assent can be given to an imputation so unjust.

"As the principles are well known which guided the march of the Mexican government, and their desire for the prosperity of Texas, to whose inhabitants it has made every kind of concession, and if it be necessary in order to establish the custom house to station military detachments among us, this should in no wise alarm the people of Texas; since, far from being prejudicial to their interests, they will serve as a support, and the people will have a guard more in favor than against their security.

"On the other hand, it is evident that some badly dis-

posed persons have been able to induce the belief that the Mexican government has no right to send its troops to those places where they think it necessary.

"Texas is an integrant part of the Republic and, as the troops are ordered, for example, to garrison the state of Oaxaca or Vera Cruz, tomorrow they may be necessary in Galveston, or some other port, and there they will be received without resistance, as it would be very opprobrious to the Mexicans for the new inhabitants of Texas to contemplate the national army in the same way as the Egyptians looked upon the Mamelukes, their continual depredators.

"You will please make the honest residents of this department understand that so long as they remain attached to the government and the laws they have nothing to fear; as an armed force is sent to no part of the republic with any other object than to maintain the peace and security of the citizens.

"Whatever pretensions the inhabitants may have, they will please manifest them by legal means to the government, and I offer to support them, provided they be such as can be realized, as to me is entrusted the tranquillity of the states of the east.

"I cannot fail to stimulate your patriotism and your zeal to prevent your influence and your persuasion to any alteration whatever, as this general commandancy will be obliged to proceed against those who overturn the peace which is now fortunately enjoyed in every part of the union.

"You will please proceed as I have indicated, and be assured of the particular consideration and esteem which I profess."

Cos was playing the old game of conciliation in weakness, to be followed by the iron hand in strength. But the colonists were in a mood of conservatism, and were anxious to avoid a clash with the national authorities if possible. Meetings held throughout Texas continued to express views calculated to promote tranquillity and to condemn all violent action. "Union, organization and moderation" were recommended at a meeting in the precinct of Alfred on July 14, and on the same day a meeting at Caney Creek declared, "We are desirous to have peace, if we can have it on favorable terms; if not, we are willing to defend our rights and liberties." At Harrisburg a more radical set of resolutions was adopted, however, and Santa Anna's encroachments on the constitution were roundly denounced. On July 17, settlers along the Navidad and Lavaca rivers met at William Millican's ginhouse and, after declaring they were ready to oppose any force introduced into Texas for other than constitutional purposes, expressed themselves in favor of "a general consultation of delegates from all the municipalities of Texas." This latter proposal—the holding of a general consultation in order to obtain the sense of the mass of the colonists—had already been made both at Columbia and San Felipe, and it was soon taken up by others in one form or another. It had become apparent that unity was the chief need, and a general consultation was advocated as the best method of obtaining it. This note was sounded again at a meeting held at Nacogdoches on July 19, which was presided over by Frost Thorne, with Thomas J. Rusk as secretary. The resolution adopted requested the political chief of the department of Nacogdoches to call

General Santa Anna

a meeting representing all the municipalities of the department in order that measures might be adopted to insure unity of action with the other departments of Texas. A committee of vigilance and correspondence was appointed, those named on this committee being John Forbes, George Pollitt, Thomas J. Rusk, Frost Thorne and J. Logan.

Meantime the plan of the Columbia resolutions of forming a joint committee of vigilance, correspondence and safety at San Felipe was taking form. The ayuntamiento of Columbia on July 11 appointed a committee of five, consisting of John A. Wharton, James F. Perry, Sterling McNeil, James Knight and Josiah H. Bell, to represent the municipality at a meeting to be held at San Felipe on July 14. This committee was instructed to take steps to open a correspondence with the authorities (civil or military) of the federal government of Mexico, to correspond with the ayuntamientos of the other municipalities of the department of the Brazos and with the political chiefs of the departments of Nacogdoches and Béxar, and to "adopt such other measures as they may think best calculated to promote the welfare of Texas, always bearing in mind that we *earnestly desire peace*." The instructions of the members of the committee provided that "they will further bear in mind that we are satisfied that the present commotion cannot be quieted, nor any lasting good obtained, except by a convocation of all the people of Texas in general council, which they will earnestly endeavor to bring about with the utmost expedition; also that we deem it necessary that the most prompt steps be taken to procure peace provided it can be obtained." The

ayuntamiento then drew up a formal letter to the chairman of the San Felipe meeting, to be delivered to that official by the committee.

"This ayuntamiento would represent to you," said the letter, "that the citizens of this jurisdiction hold themselves to be true, faithful, loyal and unoffending Mexican citizens; that they do not violate the laws and constitution of the land, nor will they countenance others in doing it. This ayuntamiento can see no end to the present commotion until the people of Texas are consulted in general meeting, which said meeting they earnestly recommend to be called without further cause of delay. They believe from recent events and from many false rumors that have abused the ears of the Mexican authorities that there is great danger of the citizens of Texas being brought into conflict with the federal troops of Mexico, an event which they view with feelings but little short of horror. They believe it highly necessary, in order to secure the peace, that a deputation should be sent to the Mexican authorities, bearing communications from the people of Texas, and to make every honorable effort to secure peace. They are willing to raise their part of the funds to defray the expenses of the deputation."

The result of the presentation of this communication to the San Felipe meeting on July 14 was the appointment of a similar committee from that municipality to act in concert with the Columbia committee and with others to be named by other municipalities. The members of the San Felipe committee were Wily Martin, John R. Jones, A. Somervell, C. B. Stewart and Jesse Bartlett. The two committees, acting jointly, issued to

the people on July 15 an address calculated to promote quiet and to offset the propaganda of the war party. "We take great pleasure," it declared, "in informing our fellow citizens that there is no just cause for immediate alarm, and at the same time assuring them that we have the most sanguine hopes that the present commotion will soon be quieted and good order restored without any collision with the federal troops." The joint committee pledged itself that its exertions would be "earnest and unremitting to effect this much desired end." The address closed by remarking that in a few days the representatives of Columbia and San Felipe would be joined by committees from other parts of the department of the Brazos. A full exposition of the affairs of Texas would be made at that time, it said, and recommendation would be made as to the course best calculated to promote the public good. In the meantime, the joint committee recommended "peace, union, moderation and a strict adherence to the laws and constitution of the land."

On July 16, the committees of Columbia and San Felipe were joined by D. C. Barrett, who came as the representative of the municipality of Mina. At the same time Edward Gritten, an Englishman who had accompanied Colonel Almonte to Texas in 1834 and had decided to remain, arrived at San Felipe after a trip to Mina and Gonzales to ascertain the sentiment of the people for Ugartechea. He had made a favorable report to Ugartechea, but had informed him that while the people were loyal and desirous of peace, they would oppose the introduction of troops into Texas. He strongly advised the abandonment of such a plan and to

adopt conciliatory measures. Gritten conferred with the members of the joint committee and informed them of the recommendations he had made to Ugartechea.

The committee decided to write to Ugartechea, replying to his conciliatory letter to Dr. Miller, and on July 17, this reply, signed by all the members of the committees of Columbia and San Felipe and by Barrett as the representative of Mina, was drawn up. This letter, which declared that the mass of the people discountenanced the Anáhuac affair and all similar activities, was as follows:

"We whose names are undersigned are chosen by the people of the jurisdiction we severally represent, to investigate the truth of certain rumors, and recent occurrences, which tend to place the citizens of Texas in an attitude of hostility to the general government. Time will not now admit of a detailed account of the *alleged* reasons for the acknowledged insult upon the government agents and officers, at this place and at Anáhuac. Hereafter, and as soon as a full and free expression of the people of Texas can be obtained, every explanation will be given which justice, and the honor and dignity of all concerned, may require. The people at large *we know*, have not participated either in the feeling which prompted the aggressions, or in any acts opposed to the legal authorities of the Mexican republic—and do, and ever will, disavow the course pursued by a few impetuous and misguided citizens, whose conduct, unexplained, might implicate the whole community.

"Accompanying this communication you will receive Captain Tenorio's statement of recent transactions

among us. We are ignorant of the views this gentleman entertains, or the representations he may choose to make of the late affair at Anáhuac, where he commanded, or the disposition of the people generally, of this province; but presume from his being honored with a station so important under the government, that he is an honorable man and a gentleman, and as such has been received and treated here since the unfortunate occurrence which placed him in his present situation. So far as his imperfect knowledge of our language and every possible manifestation of the people will admit, he cannot but feel sensible of the general confidence of Texas citizens in the purity and justice of *our* constitution and laws—and respect for the government which the Mexican states have chosen.

"You are respectfully requested to transmit this communication, or a copy of it, to General Cos, and the President of the United States [of Mexico], with a concluding assurance from us that the citizens of Texas generally have become adopted citizens of the Mexican Republic from choice, after a full knowledge of the constitution and laws—that they entertain a grateful sense of the liberality of the government towards her colonies in the distribution of lands to settlers, and other advantages tending to their convenience and prosperity, in agriculture and manufacture—that they will be prepared on every constitutional call to do their duty as Mexican citizens, in the enforcement of the laws and promotion of order, and respect for the government and its agents—that they will cherish those principles which most clearly demonstrate

their love of peace, respect for their Mexican fellow-citizens, and attachment to the free, liberal institutions of their adopted country."

John A. Wharton, a member of the committee from Columbia with leanings toward the war party, was of the opinion that the calling of a general convention of all of Texas was the next proper step to take, and he made a motion to that effect. The proposal was voted down, however, and instead it was decided to make a general statement of facts relative to the late disturbances, and a committee of five was appointed to draw it up. A disagreement arose as to the character of the statement, and the committee was discharged without reporting. Then it was decided to send a delegation to wait upon General Cos in person and explain the disturbances, assuring him of the loyalty of the people of Texas. Barrett and Gritten were named commissioners to go on this mission.

The occurrence which was most difficult to explain to the authorities was the action of the political chief, Dr. Miller, in issuing a call to arms in the proclamation of June 21. This act, taken together with the fact that he had presided over the meeting which had led to the attack on Anáhuac, made the authorities suspicious of his later professions of loyalty, and the joint committee, in the effort to conciliate the government, suggested to Miller that he ought to retire from the office of political chief. Miller agreed, but J. H. Money, the first alcalde, who would have been his natural successor, refused to act in his place. The choice finally fell upon Wily Martin, a member of the committee from San Felipe, and a *regidor* of the

ayuntamiento of San Felipe. Martin also had been acting as president of the joint committee. Accordingly, on July 19 Miller made formal request of Martin that he assume the duties of political chief. "My health at this time," he wrote, "is such that prevents me from discharging my duties as political chief of this department and, as the other officers refuse to act, I call upon you to take immediate possession of the office of chief until my health will permit me to resume my duties." A few days later Miller retired and Martin took charge of the office.

Having thus done everything possible for the moment, the joint committee adjourned its sessions until August 1, at which time it was hoped there would be representatives present from other municipalities. Barrett and Gritten then started on their mission to confer with General Cos. Before leaving, however, Gritten induced Dr. Miller to turn over to him the draft of the letter he had intended to send to Cos earlier in the month, but which had never been sent; and, after translating it into Spanish, Gritten dispatched it to Cos in the hope that it would contribute toward reassuring him of the loyalty of the colonists.

When the Columbia committee returned home and reported that, in spite of specific instructions, the joint committee had voted down the motion by John A. Wharton to call a general consultation of all of Texas, some of the more aggressive leaders there decided to start a new move for such a meeting. Acordingly, a notice was inserted in the *Texas Republican* of July 25, calling a meeting of the citizens of the municipality of Columbia for July 30 in order to express the sen-

timents of the people "in regard to the importance of having a convention of all of Texas, through her representatives, for the purpose of restoring peace and confidence." This call was signed by William H. Wharton, W. H. Bynum, W. D. C. Hall, A. Calvit, S. Whiting, P. Bertrand, W. T. Austin and W. G. Hill.

This move, coming at the very moment that Barrett and Gritten were on their way to confer with Cos in the interest of peace, was regarded by many as ill-timed and likely to embarrass the negotiations of the two commissioners. When the meeting convened, therefore, it became apparent immediately from the temper of the crowd that if any resolution calling for a general convention was presented it would be promptly voted down. F. W. Johnson, who was present, sized up the situation and, going to his friend, Josiah H. Bell, a citizen of Columbia, urged him to move the adjournment of the meeting without action until some later date. Bell agreed; and when the meeting was called to order a motion was adopted adjourning the meeting until August 15 when, it was thought, the result of the mission of Barrett and Gritten would be known.

After the adjournment of the meeting members of the war party held a conference, and it was decided to work quietly to unite all those throughout Texas who favored resistance to the program of the reactionary national government. In keeping with this plan, F. W. Johnson and Mosely Baker were chosen to go on a secret mission to East Texas, and to get in touch with such men in the department of Nacogdoches as were found to be in sympathy with the spirit

of the war party. So it was that early in August, while the peace party still was dominant throughout Texas, the leaders of the war party began a secret campaign to effect a compact organization. It will presently be seen that the Mexican authorities, by embarrassing the efforts of the peace party, greatly helped to further the war party's plans.

CHAPTER XXVIII.

PEACE MOVE COLLAPSES.

WHILE Barrett and Gritten were negotiating with Ugartechea at San Antonio, looking to a conference with Cos in the interest of peace, and while Johnson and Baker were in East Texas seeking to gain adherents to the war party, there was held in the San Jacinto community a meeting which has been too little noticed by Texas historians. This meeting adopted a set of resolutions which are of special significance today because they constitute the clearest statement of the view of the intelligent conservatives that has come down to us. They make plain the attitude of those who favored acceptance of the change from the constitution of 1824, provided military government should be kept out of Texas and amicable relations with the new government maintained. They show that there were leading men in Texas who had become convinced that the federal republican form of government was not suitable to the Mexican people, and who were willing to see a centralized form of government adopted, in order, if possible, to prevent the frequent revolutions which had marked ten years of the federal regime. If the individual liberties and rights of the people of Texas were not encroached upon, and if, in practice, they were left to themselves in their local affairs, these men believed the centralized form of government could be borne quite as well as the dis-

turbed condition which had existed under the federal form. Indeed, they reasoned that, if the centralized government could maintain order in all the other Mexican states, it would be an improvement over the situation which had existed up to that time.

The San Jacinto meeting was held on August 8, and it was presided over by Capt. William Scott, with David B. Macomb as secretary. The committee on resolutions was composed of David G. Burnet, Dr. Gallaher, James Ruth, Philip Singleton and David B. Macomb. Burnet was chairman of the committee, and the resolutions were chiefly his work. Because the San Jacinto resolutions present in such detail the views of the intelligent conservatives, they are given here in full. They follow:

"Whereas, we have heard with profound regret that the federal republican government of Mexico has been violently dissolved; that the constitutions of the several free and independent States composing that federation have been declared abrogate and void; that the late President of the Republic, General Santa Anna, has been invested with extraordinary, dictatorial powers, and a central consolidated government has been established at the City of Mexico; that the civic militia of the nation has been disarmed and disbanded; that some of our sister States have been invaded by military force and the blood of their citizens profusely shed to coerce them into submission to the new administration; and that a similar invasion is contemplated, and is now in preparation to be made upon Texas; therefore the citizens of the precinct of San Jacinto, assembled to deliberate upon the solemn crisis in our

public affairs, have adopted the following resolutions as indicative of our views and feelings, and we do earnestly recommend the mature consideration of the same subject to our fellow-citizens of Texas generally:

"*Resolved*, That the original, proper and legitimate objects of government are the convenience, the happiness and the prosperity of the people. That where a form of government shall be manifestly proven inadequate of the attainment of those objects, it is competent for the people to modify, amend or radically change that form of government. These we hold to be obvious and irrefragable truths; and we also hold it to be equally true, whenever a portion of the people think proper to subvert an established government and to substitute a mere dynasty, it belongs of right to another portion of the same people to reject the new system and adhere to the old, or to adopt such other form of government as their circumstances or predilections may recommend. That the dissolution of the government is virtually a dissolution of the political union and, the parts that compose that union being sundered, each one reverts to its original sovereignty. That this is emphatically true of an association of free and independent States, as was the late confederation of Mexico.

"*Resolved*, That confiding in the correctness of the information we have received from various quarters, we consider the federal republican government of the Mexican Union as subverted, dissolved, annihilated; and that the allegiance of every citizen to that government is, necessarily, absolved and of no more political or moral obligation.

"*Resolved*, That although we consider it premature

to pronounce definitely upon the new government, established or to be established, at the City of Mexico, because the particular constitution of that government has not been made known to us, we are ready now and at all times to declare our utter abhorrence of any government that is purely military in its character; and are now and at all times ready to resist the imposition of such a government with all the means and all the energies that Providence has conferred upon us. That we consider even the turbulence of a distracted republic incomparably preferable to that sickly quietude of a military despotism, or to the still more odious domination of a secularized and ambitious priesthood.

"*Resolved*, That we nevertheless entertain a cheering confidence in the distinguished leading citizens of our adopted country, that they will not permit the land of their birth and their affections to lose the dear-bought benefits of so many revolutions—by one inglorious revolution retrograde by a sudden transition from light to darkness, from liberty to despotism. That they will organize a system of government in accordance with the spirit of the nineteenth century; a government based upon wise and equitable laws, with such a distribution of the three cardinal powers as will assure to each individual all the guarantees necessary to rational political liberty.

"*Resolved*, That we have marked with surprise a disposition to attribute the late movements of the general government to a recent reported speculation in the lands of Texas, and to charge the speculators as the authors of the present disquietude. That we reprobate all nefarious and fraudulent speculations in the public

domain as warmly as any portion of our fellow-citizens can do; but we can procure only a short-sighted puerility in attributing radical changes in the government of Mexico to the intrigues of a few speculators in the town of Monclova. That we hope and believe that the laws are adequate to the redress of any wrongs the State may have sustained, the corruption of its functionaries, or the no less culpable frauds of its citizens in relation to its vacant territory.

"*Resolved*, That we deem it altogether inexpedient and highly injurious to court a contest with the government of Mexico. That we have always considered and do still consider the aggregate Mexican Nation the rightful sovereign of the territory we ocupy. That nothing short of an absolute determinate violation of those essential, sacred and imprescriptible rights which pertain to us as members of society should induce the Anglo-American citizens of Texas to abstract themselves and the noble soil which the Mexican nation has so liberally conceded to them from the sovereignty of that nation. That while we feel it a just duty to guard our just rights and vital interests from all infringement, we also feel it a sacred obligation to preserve our names untarnished by the imputation of parricidal ingratitude.

"*Resolved*, That we consider *names* as the mere signification of *things;* and that we are not so obstinately prejudiced in favor of the term 'federal republic' as peremptorily and without inquiry to reject another government purely because it has assumed a different external sign or denomination.

"*Resolved*, That there are certain essential, sacred and imprescriptible rights which must be guaranteed to every citizen, under any form of government that can or ought to be tolerated by an intelligent people who know how to estimate the inherent dignity of their nature. That we believe those rights may be as well secured under a consolidated as under a federative government, provided that government be wisely and liberally organized.

"*Resolved*, That frequent revolutions in a nation are greatly to be deprecated. That experience has clearly demonstrated that the federal republican system of Mexico has been utterly insufficient to restrain the corrupt ambition of turbulent and factious men, to preserve the internal happiness, or to advance the prosperity of the nation. That that form of government is intrinsically complex, requiring for its harmonious and efficient operation an unusual degree of general knowledge and sound moral sentiment in the people at large. That in our native country, which justly boasts of its diffused intelligence and high moral feeling, illustrious patriots differ in their construction of the relative powers of the general and state governments and find the involvements of the federal system too intricate for coincidence of opinion and too perplexed for unity of action.

"*Resolved*, That although we hold the proposition set forth in the preceding resolutions to be true and of special application to our present political condition, we do not feel prepared, with our imperfect knowledge of facts, to make any definite and conclusive election

Lorenzo de Zavala

touching the new form of government that may be established at the City of Mexico, either to accept, or to reject thereof.

"*Resolved*, That the dissolution of a government does not of necessity require that the constituent parts of the nation should separate finally. That the abstract right to do a thing does not always render the doing of it wise or commendable. That although the citizens of Texas may have the *political* right to reject the new government of Mexico, and to adopt one more consonant to their habits and feelings, we do seriously question the policy of doing so, unless constrained by imperious circumstances, such as, we trust, do not and will not exist. That as *adopted* citizens we ought to exercise even our absolute rights with some diffidence, and with a peculiar regard to the moral obligations that may rest upon us.

"*Resolved*, That inasmuch as it is impracticable for a people so dispersed as are the people of Texas to act collectively and in unison in any public exigency requiring deliberation and interchange of opinions, we conceive it expedient that a convention to consist of two delegates from each precinct be elected, and to assemble with all convenient expedition at the town of San Felipe de Austin, or some other convenient point, to confer on the state of public affairs, to devise and carry into execution such measures as may be necessary to preserve good order and the due administration of the laws; to collect and distribute information relative to the nature and the operation of the new government; and to adopt and carry into execution such ultimate measures as in their wisdom may seem meet

and proper, and conducive to the substantial, permanent welfare of Texas. Strictly enjoining it upon each and all the delegates so to be convened, to preserve by all possible means, compatible with the character of a free people, *the peace of Texas and the unity of the Mexican nation.*"

In addition to adopting these resolutions the San Jacinto meeting elected Burnet and Macomb to represent the precinct in a general convention of all Texas. It decided also to send a copy of the resolutions to the political chief of the department, and to have them published in the *Texas Republican.*

Had the mission of Barrett and Gritten succeeded, the San Jacinto resolutions might have become the platform upon which a policy of submission could have been carried into effect. Most of the colonists were for peace if it could be obtained on endurable terms. If the new government which the reactionaries proposed to set up could be shown, after investigation, to be such that the colonists could adjust themselves to it, and if no attempt was made to place Texas under military rule, it was thought by many that a clash could be averted. The San Jacinto program was to hold a convention of all Texas, and to put forward the views enunciated in the resolutions as the basis for a working policy of the convention.

But the failure of the mission of Barrett and Gritten soon turned the course of events in another direction. It was a mistaken attitude of the extreme submissionists—the Tories, so to speak—together with the inability of the Mexican authorities to judge the sentiment of the great body of the colonists, that caused this

failure and brought matters to a head. A few days before Barrett and Gritten started for San Antonio to confer with Ugartechea with respect to the desired interview with Cos at Matamoros, John W. Smith, of San Antonio, had shown Ugartechea a letter which had led the latter to believe that the colonists would co-operate with the Mexican authorities to put down the war party by force. Lorenzo de Zavala, one of the original federalist leaders in Mexico, had recently arrived in Texas, having resigned as minister to France when he learned that Santa Anna had gone over to the reactionaries. His presence had been reported to the national government and Tornel, the minister of war, had promptly instructed Cos to arrest him. Cos had transmitted this order to Ugartechea. The letter which Smith had shown to Ugartechea had reference to the question of arresting Zavala and the leaders of the war party. It was from Dr. J. H. C. Miller, of Gonzales, who had gone to San Felipe to be present at the meeting of the joint committee there, and who had obtained an erroneous impression of the extent of the peace feeling. He wrote of this impression to his friend Smith at San Antonio, and told him that not only would De Zavala be given up if the demand was made for him, but the Anglo-American leaders of the war party would be handed over also. Dr. Miller, who must not be confused with Dr. J. B. Miller, the political chief, wrote Smith as follows:

"All here [at San Felipe] is in a train for peace. The war and speculating parties are entirely put down, and are preparing to leave the country. They should now be *demanded* of their respective chiefs—a few

at a time. First Johnson, Williamson and Williams; and perhaps that is enough. Captain Martin [Wily Martin], once so revolutionary, is now, thank God, where he should be, in favor of peace and his duty; and by his influence, in a good degree, has peace been restored. But now they should be demanded. The moment is auspicious. The people are up. Say so, and oblige one who will never forget his true allegiance to the supreme authorities of the nation, and who knows that till they [the war leaders] are dealt with, Texas will never be quiet. Travis is in a peck of trouble. Dr. J. B. Miller disclaims his act in taking Anáhuac and he feels the breach. Don Lorenzo de Zavala is now in Columbia, attempting to arouse the people. Have him called for, and he also will be delivered up. Williams, Baker and Johnson are now on a visit to him and no doubt conspiring against the government."

Smith had hastened to show this letter to Ugartechea and, acting upon the advice it contained, the latter had promptly issued an order to the political chief of the department of the Brazos to arrest the parties named and a few others he added on his own account. Besides Zavala, the names on the list were those of Francis W. Johnson, R. M. Williamson, William Barrett Travis, Samuel M. Williams, Mosely Baker and John H. Moore, all of whom were known to have taken part in the revolutionary agitation. Later the names of J. M. Carbajal and Juan Zambrano, Mexican federalists who had fled to Texas, were added. Ugartechea dispatched this order without delay to the political chief of the department of the Brazos by special courier.

Barrett and Gritten met the courier at Gonzales and, learning of his errand and of the decision of Ugartechea, induced him to remain there until they could go to San Antonio and have the order countermanded. The two commissioners very naturally felt that if any attempt were made to carry such an order into effect while negotiations with Cos were pending it would result in disturbances which would destroy the prospects of peace. When they arrived at San Antonio on August 5, and presented this view of the matter, Ugartechea informed them that the order could not be revoked and that the proscribed men must be given up. If it was true, he said, that the Anglo-Americans were loyal to the national government, as the commissioners represented, then they ought not to hesitate to cooperate in upholding the government by bringing about the arrest of these enemies of the government. He took the position that the colonists must demonstrate their good faith, and told Barrett and Gritten quite plainly that it would be useless to go to see General Cos unless the men were taken into custody.

It was in vain that the Texas commissioners expressed the opinion that to insist upon the arrests would spoil everything, and urged that he permit them to present this view to Cos himself. Ugartechea declared that Cos would not agree to any delay, and in proof of this he exhibited a copy of an order from Cos to the political chief of the department of the Brazos, which he had just received, and which directed that the arrests should be made. In the face of this situation it was agreed that Gritten should return to San Felipe and present the matter to Wily Martin, the

acting political chief. Ugartechea reported all this to Cos the day before Gritten left, and expressed the belief that as a result the men would be arrested.

"Since I directed to the political chief of the Brazos and the ayuntamiento of the same," he wrote, "the communication which I remitted to you in copy, dated the first instant, demanding the arrest of Zavala and of the other foreign ringleaders of the revolution in the colonies, Don Edward Gritten and another person have presented themselves to me, in the character of the department of Brazos, for the purpose of going to you and holding an interview upon the matters contained in the copies annexed, which Señor Gritten has made for me.

"While I did not prevent their going to Matamoros, I made it clear to them that so long as they did not make the arrest of the said persons they could not succeed with you. Consequently Gritten and his companion, Don D. C. Barrett, agreed that one of them should return to San Felipe to explain this to the political chief and ayuntamiento. At the moment when he was preparing to leave I received your letter, in which you inserted the one you wrote the said political chief on the 1st inst., which corroborated all that I had said. After allowing them to see this they decided that one of them should go back immediately to urge effectively the compliance with your orders, and for this reason I have sent him back to San Felipe by special express, according to your instructions.

"At the same time I improved the opportunity to demand of the political chief the arrest of the deputy Carbajal and Don Juan Zambrano, who have taken a

prominent part in the political disturbances. And I do not doubt but that, in accordance with the necessity which they are under of showing the good intentions of the colonists, they will make the arrest not only of those individuals but of the others already mentioned as well. I am more of this opinion because their greatest desire is to avoid the introduction of troops into the colonies."

Barrett and Gritten also dispatched a letter to Cos the next day, explaining the delay and assuring him of the loyal sentiments of the colonists. "You have already the notice of our mission to this commandancy as a channel of communication to the general government from the political chief of the Brazos," they wrote. "And thus it is that the object of this communication is to let you know that in spite of the great desire which we have to come and destroy in your mind, and through you in the mind of the general government, the idea which you have formed that the unlawful proceedings of certain citizens of Texas came from the majority, we are now sorry to inform you that our departure will not take place until Mr. Gritten returns from San Felipe. The object of his journey is to get instructions sufficiently extensive to cover all cases that may arise, or may be considered as belonging to our mission, which is to solidify the work of conciliation, interrupted before, but which, we rejoice to see from the last advices directed by you to Colonel Ugartechea, has begun again. You may well believe that all the Texans are not revolutionists, nor bad, and that the greater part of them are pacific, and we desire very much to confirm personally this assertion. And

that we will have the honor to do as soon as Mr. Gritten comes to the Mission La Bahía on his return from San Felipe. In the meantime we anticipate an interview by means of this communication, in the hope that it may serve to predispose you in favor of our mission, which is to promote the best interests of Texas, and to preserve with the supreme federal government the good understanding that ought to exist in an advantageous manner between the Texans and the other integral parts of the republic."

It is to be noted that Barrett and Gritten made no reference in this letter to Cos to the order for the arrests, and certainly gave no hint that they believed the local authorities of the department of the Brazos would deliver up the proscribed men. Gritten's object in returning to San Felipe was stated to be that of obtaining further instructions, and that was probably a correct description of the real object. Ugartechea was laboring under the false impression he had received from Miller's letter. His instructions from Cos with respect to Zavala had been to go in person with a detachment of cavalry and take him into custody, explaining his object to the colonists. He very properly feared that the appearance of cavalry among the colonists would start trouble, and he had no relish for such a task. It would be a much better plan to have the Anglo-American authorities deliver up all the proscribed men, he thought, and Miller's letter led him to believe they would do this.

When Gritten arrived at San Felipe he found that the joint committee which had sent him on the mission to Cos had disbanded. It had met on August 1, as

arranged, but in the meantime no new representatives had arrived and, after waiting two or three days, Wily Martin, the acting political chief, dissolved the committee. Gritten went to Martin and informed him of all that had taken place at San Antonio. Martin said that he was without power to give him and Barrett further instructions, inasmuch as the committee which had appointed them had ceased to exist. He expressed great disappointment at the delay, for it would require fully a month to get a new committee together, and it was important that an understanding should be reached. He was chagrined at the attitude of Cos and Ugartechea with respect to the arrests, for he recognized that it would probably make an understanding impossible. He told Gritten the proscribed men had left the department of the Brazos and that it was beyond his power to comply with the demand. He agreed, however, to issue writs for their arrest, and to this extent he carried out the instruction of Ugartechea and Cos.

Gritten returned to San Antonio and reported all this to Ugartechea. In the face of it there was nothing to be done, but Ugartechea very willingly grasped the excuse that the men had left and the writs had been issued, to abandon the idea of leaving San Antonio with his cavalry. However, he continued to maintain the stand that while the proscribed men were at large it was useless for Barrett and Gritten to go to Matamoros to see Cos. So their mission came to naught.

It was true that at least some of the men had left the department of the Brazos, and the whereabouts of most of them was unknown in San Felipe. As has

already been related, Johnson and Baker had gone on a secret mission into East Texas to ascertain feeling in the department of Nacogdoches, and to establish communication with such adherents of the war party as might be found. The war party had made very little headway in East Texas. The ayuntamiento of the municipality of Liberty, in which jurisdiction Anáhuac was situated, had promptly disavowed the attack on the fort by Travis and his companions, and meetings held in the department of Nacogdoches had been conservative in their expressions. At such a meeting at San Augustine, late in July, Sam Houston, who had recently returned to Texas, was cried down when he attempted to make an address. The people of the department generally, like the people of the department of the Brazos, desired peace.

Sam Houston, of course, was of the war party. The precise date of his return is not known, but his appearance at the San Augustine meeting in July is the earliest record of his presence in Texas after the adjournment of the convention of April, 1833. Where he spent the intervening two years is uncertain, but there is reason to believe that he had gone back to Arkansas Territory. There can be little doubt, however, about his reason for returning to Texas in the summer of 1835. He recognized that the clash between the Texas and Mexican authorities, which he regarded as inevitable, was imminent, and he saw in such a situation the opportunity to rehabilitate himself. Houston stood in need of rehabilitation, and with his special talents Texas offered the most promising field in which to achieve it. It is not against his character,

as some seemed to think, that this was so, nor does it detract from an appreciation of his greatness to face squarely the fact that he came to Texas, like so many others, to begin life anew.

Houston had already had one career and, considering the height to which he had climbed from a humble beginning, and the condition to which he had fallen before his fortieth year, there is something inspiring about the spectacle of this man seeking to get a new foothold and to make a place for himself again among his fellows. He was forty-two years old when he returned to Texas in 1835, and for the greater portion of six years he had been drifting, a fact which contrasted to a marked degree with his former rapid rise. He was born in Rockbridge county, Virginia, on March 2, 1793, the son of a revolutionary soldier of the same name who, at the close of the Revolutionary war, was appointed major and inspector-general of frontier troops. His father died in 1806, when Sam was but nine years old, leaving a widow and nine children, and four years later the family moved to Tennessee, settling in Blount county, eight miles from the Tennessee river, which formed the boundary between the whites and the Cherokee Indians. It was here that Houston formed his first friendship among the Cherokees.

Schools were scarce in such frontier country, and of rather poor character, and Houston had very little formal schooling. It is as much an illustration of the lack of educational facilities as of young Houston's aptitude that at eighteen he was teaching school himself. At the age of twenty he enlisted as a private in the army, the war of 1812 being in progress, was

promptly made a sergeant and later was promoted to ensign. He saw no active service against the British but, the Creek war breaking out in the meantime, he served under the very eye of Jackson himself during that bloody conflict. At the battle of To-ho-pe-ka he distinguished himself for bravery and was severely wounded. No less a person than Thomas H. Benton, who was lieutenant-colonel of Houston's regiment, testified later to his gallantry on that occasion. It was in such circumstances that his life-long friendship with Jackson began.

Leaving the army, Houston studied law, and from that point his rise was rapid. He became adjutant-general of Tennessee, with the rank of colonel, in 1819, and later the same year was elected prosecuting attorney of the Davidson district, with headquarters at Nashville. Two years later he was elected to congress from the ninth district of Tennessee, and served four years in that capacity while Jackson was in the senate. He was a loyal supporter of his former commander in the latter's first race for the presidency. In 1827 he was elected governor of Tennessee, as the candidate of the Jacksonians, by a majority of 12,000. The next year Jackson was elected president of the United States and Houston, as one of his most intimate partisans, and as governor of the president's own state, thus became one of the influential men of the country. In January, 1829, Houston married Miss Eliza Allen, daughter of a wealthy and influential family of Sumner county. He had not reached his thirty-sixth birthday, and anyone contemplating his career would have agreed that here certainly was a successful man, with a future

outlook as bright as one could reasonably imagine. He was a candidate for reelection as governor and, while he had strong opposition, there was every reason to believe his campaign would be successful. Then, like a bolt from a clear sky, calamity overtook him.

"After three months of marriage," says Houston's biographer, Alfred M. Williams, "his wife left him and returned to her father's house. Houston wrote to her father, asking him to persuade his wife to return, but she refused, and he threw up his hold on fortune and life. The cause of the trouble between Houston and his wife has never been definitely revealed. The only words which he ever wrote on the matter were contained in a letter in which he said: 'Eliza stands acquitted by me. I have received her as a virtuous, chaste wife, and as such I pray God I may ever regard her, and I trust I ever shall. She was cold to me, and I thought did not love me.' The most probable explanation is that the young lady had been induced to marry Houston to gratify the desires of her parents, who were attracted by his brilliant political position and prospects, while her affections had been given to another. The intimacy of married life revealed her coldness or repugnance to her husband, and in a moment of quarrel she avowed the truth, and left him. Houston's 'high-strung' spirit and personal vanity were deeply wounded, and he acted with all the dramatic intensity of his nature.

"There was the wildest excitement in the frontier community over such an explosion of scandal. Houston's enemies circulated the most outrageous reports concerning his conduct, and the mystery, as it generally

is, was interpreted at its worst. For a time there was the prospect that he would be subject to personal violence, and that there would be bloody affrays in the streets of Nashville over the affair. His friends rallied around him, but he left Nashville in secret, some say in disguise, and went to bury himself among his old friends, the Cherokees, a portion of whom had removed from their homes in Tennessee to the Indian Territory."

So was Houston's career in Tennessee brought to an abrupt close. "What a reverse of fortune! How unstable are human affairs!" This was the comment of President Jackson, when he wrote to Houston in exile. "When I parted from you on the 18th of January last," Jackson wrote, "I then viewed you as on the brink of happiness, and rejoiced. About to be united in marriage to a beautiful young lady, of accomplished manners and of respectable connections, and of your own selection—you, the Governor of the State and holding the affections of the people; these were your prospects when I shook you by the hand and bade you farewell. You can well judge my astonishment and grief in receiving a letter from you, dated at Little Rock, A. T., conveying the sad intelligence that you were then a private citizen, an exile from your country."

With the exception of his emergence into the limelight as a result of the Stanberry affair, and his first visit to Texas, all of which has been already recounted. Houston remained in obscurity for six years. Mrs. Houston obtained a divorce, on the ground of abandonment, and remarried. Among the Indians Houston adopted their habits of life and was made a member of the tribe. "He fell in love with a Cherokee woman,

named Tyania Rodgers," says Williams. "She was a half-breed, of great personal beauty, and as tall and stately for a woman as Houston was for a man. He took up with her as his wife, in the Indian fashion and, leaving the abode of his friend, John Jolly, established himself on the west bank of Grand river, nearly opposite Fort Gibson. Here he made a small clearing and built a log cabin. He established a small trading-post, and combined this occupation with some slatternly farming and stock-raising. At this time Houston had sunk to a low depth of degradation in personal habits. His tall form was often seen stretched in a state of helpless intoxication in the paths about the cantonment of Fort Gibson, and the Indians changed his name of Co-lon-neh (the Raven) to the more expressive one of 'Big Drunk.' One who was in his employ at the trading post has said that Houston's life was marked by fits of deep melancholy, which he would relieve by stupefying indulgence in liquor; after the effects of the debauch had passed he would for a time be his ordinary cheerful self again. These fits of despondency and excesses were the natural consequences of his sense of degradation and failure in life, and showed the stirrings of his better spirit, too strong and manly to sink absolutely and hopelessly to the level of the border 'squaw man'."

It was from such a life that Houston was "beating it back" when he came to Texas. In a strict sense, of course, he was not a "colonist," nor could it be truly said that he was a citizen of the state of Coahuila and Texas or of Mexico. He felt, however, that he was the kind of man that Texas would need in the event

that the Anglo-Americans decided to break with Mexico, and his friends were of the same opinion. And this was true. Indeed, it is hardly an exaggeration to say that he was the one man, among all who were available, who possessed the peculiar talents required for leadership of such an enterprise as the war party proposed to set on foot. He had been a soldier in the army of the United States, he had been a frontiersman most of his life, he had been a legislator as a member of congress, he had been an executive as the governor of Tennessee. He had always possessed great influence among Indians, and they trusted him as they trusted very few white men—a fact that would be of great importance in connection with the probable attitude of the Indians in Texas in the event of a revolution. He was a born leader of "frontier republicans," endowed with a big personality, and the kind of a man who won the whole-hearted allegiance and fealty of other men, who were happy to serve as his lieutenants. Besides all this, Houston was a widely known "character." A certain glamour enveloped his name. Throughout the Southwest men who had never seen him were attracted by the more or less mythical Houston about whom stories were repeated around camp fires, on steamboats along the Mississippi and in frontier saloons. In such a setting he was a heroic figure.

Finally, Houston was "Andy Jackson's friend," and Jackson was president of the United States—the first man of the people and son of the frontier to attain that high station. The encounter with Stanberry; and Houston's trial before the house of representatives had fixed him permanently in the imagination of the masses of

Hermitage October 4th. 1823

Dear Sir,

This will be handed you by Genl Sam Houston, a representative to Congress from this State, and a particular friend of mine to whom I beg leave to introduce you. I have known Genl Houston many years, and entertaining for him the highest feelings of regard & confidence, recommend him to you with great safety. He has attained his present standing without the extensive advantages of fortune & education, and has sustained in his various promotions from the common Soldier to the Major Genl the character of the high-minded & honorable man — as such I present him to you, and shall regard the civilities which you may tender him as a great favor.

With a sincere wish that good health and happy days are still yours, I remain your friend and very obliged servant.

Andrew Jackson

Thomas Jefferson esqr

FAC-SIMILE OF LETTER FROM ANDREW JACKSON TO THOMAS JEFFERSON, INTRODUCING SAM HOUSTON.

(See Other Side This Page)

The letter reproduced on the other side of this page was written by Andrew Jackson shortly after Sam Houston's election to congress from Tennessee in 1823. It is addressed to Thomas Jefferson and was designed to help young Houston by enabling him to establish personal relations with the venerable Sage of Monticello, the universally accepted head of the Democratic party at that time. This letter serves to illustrate the friendship of Jackson and Houston, a friendship which very materially affected the history of Texas. Its text follows:

Hermitage, October 21, 1823.

Dear Sir:

This will be handed you by Genl. Saml. Houston, a representative to Congress from this State, and a particular friend of mine to whom I beg leave to introduce you. I have known Genl. Houston many years, and entertaining for him the highest feelings of regard and confidence, recommend him to you with great safety. He has attained his present standing without the intrinsic advantages of fortune and education, and has sustained in his various promotions from the common soldier to the Major General the character of the high-minded and honorable man—as such I present him to you, and shall regard the civilities which you may tender him as a great favor.

With a sincere wish that good health and happiness are still yours, I remain your friend and very obliged servant.

Andrew Jackson.

Thomas Jefferson, *Esq.*

the Southwest as the champion of "Old Hickory." If a leader of such a people were needed, here indeed was such a leader. It is said that William H. Wharton, who had known Houston in Tennessee, related some anecdotes about him to his father-in-law, Jared Groce, one day, when the latter exclaimed: "That's the kind of a man we need in Texas! Write to him and urge him to come." Wharton did write to him, and incidentally reminded him that there was nothing like being on the ground when things were happening. When Houston came in December, 1832, it did seem that things of a decisive character were about to happen. In 1835 things were happening again, and so Houston had returned to Texas. He had come back to participate in the struggle which he felt was bound to occur sooner or later. It offered him the opportunity he needed to rehabilitate himself.

One of the objects of the mission of Johnson and Baker to East Texas was to confer with Sam Houston, and they went directly to Nacogdoches for this purpose. They met Houston and Thomas J. Rusk at the home of J. K. and A. C. Allen. Rusk also was a recent arrival in Texas, and Johnson has recorded the fact that this was the first time he had seen either Rusk or Houston. Johnson gave them an account of events in the department of the Brazos, and told them that he and Baker had come to obtain adherents to the war party and to establish relations with leaders in the Nacogdoches department who sympathized with their aims. Johnson says that Houston told him that the people of the department were submissionists, with but few exceptions. Houston said that "he had left San Augus-

tine but a few days before, where a public meeting had been held to consider the state of the country; that he attempted to address the meeting, and that he had been literally hissed down; that the people of Nacogdoches, and the jurisdiction generally, entertained a like feeling, and were submissionists." Both Houston and Rusk, Johnson says, expressed the opinion that the time was inauspicious for their mission, but declared that the people must be made to understand the true situation of public affairs, and to choose between submission and resistance to the usurpation of Santa Anna and the general congress. Houston told Johnson and Baker that "he was with them in feeling, and would do what he could to assist them to the utmost of his ability."

Johnson and Baker next called upon John S. Roberts, whose partner in the mercantile business was Henry Rueg, who was political chief of the department. Through Roberts's influence the political chief was induced to join in the call for a meeting of the people of the municipality of Nacogdoches. The date of the meeting was fixed as August 15, and thus the movement for resistance was started under way in East Texas.

CHAPTER XXIX.

FOR A CONSULTATION.

SENTIMENT for the calling of a consultation of all Texas was now gaining ground, and coupled with it was sentiment for resistance to any attempt to introduce a large body of troops into Texas. During the first two weeks of August this found emphatic expression in different parts of the department of the Brazos, and one of the notable declarations on the subject was that of Lorenzo de Zavala, whose arrest had been ordered by the secretary of war. Zavala was invited to address a meeting of colonists at Lynch's on the San Jacinto, which was called for August 8, but, being confined to his bed by illness, he sent a written message instead, setting forth the political situation in clear and straightforward fashion, and advocating a consultation.

Zavala was a distinguished republican leader, and his name was the first one signed to the constitution of 1824, in the drafting of which he took a very important part. His opinion, therefore, was calculated to carry great weight, and his letter had much influence in furthering the sentiment for resistance and a consultation. It was as follows:

"Having been invited to attend the meeting of citizens to be held on the 8th inst. to take into consideration the important subjects which produce the present

excitement, I regret that I am prevented from attending in person by an attack of the intermittent fever.

"But as I consider that a simple manifestation of my opinions on the subject might be of much service in establishing those of the citizens, a majority of whom must declare the fate of the country, I submit to the examination of the meeting the following reflections.

"In the first place, I must say of myself that in this I have no individual view or motion—that I have occupied in the Mexican nation the most honorable stations; that I have written a history of the revolutions of the country with such impartiality that even my enemies have acknowledged it the only monument of the kind worthy of attention.

"In the second place, that, having received from Gen. Santa Anna the appointment of minister plenipotentiary to the court of his majesty the king of France, I resigned this charge as soon as I learned that he had dissolved the congress and taken all authority into his own hands. Third, that having resigned this station, I have come to Texas to establish myself among free citizens, to cultivate the lands which I had previously purchased.

"Having made these preliminary remarks, I proceed to express my opinions respecting the *nominal* Mexican Republic.

"First. The regulating power in Mexico is the military. Certain generals, at the head of whom Santa Anna happens now to be placed, and who have under their control from fifteen to twenty thousand hireling soldiers, have destroyed the federal constitution, of which General Santa Anna, in order to be promoted

to the presidency of the republic, pretended to be the defender when, with a show of patriotism, he alleged that it was attacked by General Bustamante.

"Second. The present situation of the Mexican nation is that of the greatest confusion and disorder, because, all the constitutional authorities having ceased, their places have been supplied by military chiefs, who know no other law than that of the sword and of violence, by which they have put down the civil authorities. The consternation which this has produced among the Mexican citizens has reduced them to a momentary silence, and this silence the military chiefs of Mexico call tranquillity, peace and order in the republic.

"Third. To pass over the acts of usurpation committed by General Santa Anna, such as the dissolution of the congress and council—the unconstitutional and violent disposition of the vice-president, Farias—the extension of the powers given to the electors to reform the constitution—the destruction of the civic militia—and others of equal magnitude which in the United States of the North would be sufficient to convict the president of treason—the final blow aimed at the institutions in the capital on the 12th day of June, the day on which was declared the destruction of all state legislatures, an act committed under the auspices and protection of the president, Santa Anna, and of the vice-president, Barragán, would be sufficient to destroy all claims to obedience which exist, and which can only continue in virtue of the federal compacts.

"Fourth. While in the capital they were thus destroying the institutions and issuing orders to the

military commanders of the states that others should be established, the latter published official notes, swearing in their usual manner that they would sustain the constitution and laws, and that their only object was to punish certain functionaries who had transgressed them, thus availing themselves of the power of destroying the constitution under the pretext of punishing delinquents. This may be seen from the official notes of General Cos and Colonel Ugartechea, in which they seize upon the inexplicable sale of lands as a pretext to justify the imprisonment of the governor of this state, Viesca, proceeding immediately to put down the legislature and other authorities of the state, with the exception of those only established in San Felipe and Nacogdoches, which were out of the reach of their power. To make up for this, General Cos thought proper to make these authorities dependent upon himself, and thus making those of popular origin subservient to the military.

"Such is the actual relation in which Texas stands to the Mexican republic. I might make conjectures as to the development of this political labyrinth; but I propose to myself to speak only of facts.

"The fundamental compact having been dissolved, and all the guarantees of the civil and political rights of citizens having been destroyed, it is inevitable that all the states of the confederation are left at liberty to act for themselves, and require Coahuila and Texas to provide for their security and preservation as circumstances may require. Coahuila and Texas formed a state of the republic, and as one part of this is occu-

pied by an invading force, the free part of it should proceed to organize a power which would restore harmony, and establish order and uniformity in all the branches of the public administration, which would be a rallying point for the citizens, whose hearts now tremble for liberty! But as this power can be organized only by means of a convention, which would represent the free will of the citizens of Texas, it is my opinion that this step should be taken, and I suggest the 15th day of October as a time sufficient to allow all the departments to send their representatives."

In a postscript to this letter, Zavala replied to the charge that the Texans would be showing ingratitude to Mexico to resist the military government. "As, among the grounds on which the Mexican officers require the obedience of the inhabitants of Texas," he said, "there is one which might influence some by the gratitude occasioned by the recollection of the act, I cannot pass it over in silence. It is said that the inhabitants of Texas are indebted to the supreme government of Mexico and to those of the state for the laws giving them the land which they cultivate. This is true; but it must be remembered that those governments were formed of the same men who are now persecuted, among whom I have the honor to count myself one. A party composed of the military, ecclesiastics, and Spaniards, would never have thrown open their country to foreigners."

The meeting at Lynch's, at which this letter from Zavala was read, was held on August 8, the same day that the San Jacinto community adopted the conserva-

tive resolutions drawn up by Burnett. Those resolutions also called for a consultation, and the next day there was issued a printed circular, signed by 134 colonists, likewise urging a convention and recommending that the delegates be instructed "so that no party may rule, and that the people be fairly represented." Had the sentiment of the colonists been polled during the first ten days of August it would have been a question as to which side would have controlled—the war party or the submissionists. Indeed, it may be said that the peace party would probably have had the best of it. But by the time the adjourned Columbia meeting reconvened on August 15, the news of the demand for the arrest of the leaders of the war party had spread abroad, and sentiment began to veer in the other direction. The Columbia meeting had been adjourned in order to give time to learn the result of the mission of Barrett and Gritten. When Gritten returned to San Felipe with Ugartechea's ultimatum that the proscribed men must be given up as evidence of good faith, the Columbia meeting of August 15 gave the answer that was echoed throughout the Anglo-American settlements. It was contained in a resolution of a dozen words. "Resolved," it declared, "That we will not give up any individual to the military authorities."

But the Columbia meeting did more than this. It acted upon Zavala's suggestion that a consultation be held on October 15, and adopted a resolution calling upon all other municipalities to cooperate to hold such a meeting of all Texas on that date. William H. Wharton was named chairman of the meeting, with

William T. Austin as secretary and, after a discussion of the situation, the following resolutions were adopted:

"*Resolved.* That a Consultation of all Texas through her representatives is indispensable.

"*Resolved.* That a committee composed of fifteen persons, to be called a Committee of Safety and Correspondence for the Jurisdiction of Columbia be elected, and that they be instructed to prepare an address to all the jurisdictions of Texas requesting them to cooperate with us in the call of a consultation of all Texas.

"*Resolved.* That the committee communicate with all Texas in the most prompt manner by sending confidential agents to each jurisdiction, and that said committee keep the people correctly advised of all political intelligence of general interest, and that they continue to act until displaced by the people or the consultation.

"*Resolved.* That we hold ourselves bound to pay our proportion of all expenses incurred by said committee in sending expresses, printing, etc.

"*Resolved.* That we invest the committee of safety and correspondence as our agents with full power to represent the Jurisdiction of Columbia, to use the most efficient means to call the consultation, and to use all means in their power to secure peace, and to watch over our rights.

"*Resolved.* That we will not give up any individual to the military authorities."

The committee of safety and correspondence thus provided for was named as follows: John A. Wharton, W. D. C. Hall, Henry Smith, Silas Dinsmore, James F. Perry, John G. McNeel, Robert H. Williams,

W. H. Jack, F. A. Bingham, John Hodge, Wade H. Bynum, Branch T. Archer, William T. Austin, P. Bertrand and Isaac T. Tinsley.

The temper of this committee was soon shown by the address which it issued to the people. That address was a well-reasoned plea for a consultation, setting forth that whatever the majority might decide was the best policy for Texas, a consultation was the only way any kind of a decision and any character of unified action could be obtained. But it made clear that in the opinion of the committee the decision ought to be for resistance. It was more temperately worded than the war address of Williamson, issued at San Felipe six weeks before, but it was all the more effective in awakening sentiment for resistance on that account. The address was dated at Velasco, August 20, 1835, and was as follows:

"Fellow-Citizens: The undersigned have been elected by the people of the Jurisdiction of Columbia a Committee of Safety and Correspondence, and have been instructed to address you for the purpose of obtaining your cooperation in endeavoring to produce order, confidence, and government out of the present deplorable chaos and anarchy. It is unfortunately too true that Centralism, with the rapidity of magic, has succeeded our late federated form of government. Our governor is in captivity and our legislature dispersed by the bayonets of the soldiery. The Constitutions which we have sworn to support are thereby trampled under foot—in short, we occupy the unenviable attitude of a people who have not a shadow of legitimate government. The loss of all confidence at home and

abroad is, and will continue to be, the consequence of this state of things. Immigration will entirely cease. The law of the strongest will be the only law that will prevail and nothing but doubt, confusion and violence will overshadow the land. After the most grave and mature deliberation the people of this jurisdiction have conceived that a Consultation of all Texas through her representatives is the only devised or devisable mode of remedying the above recited evils and have instructed us to urge upon you to unite in bringing about such Consultation as speedily as possible. Some persons object to a general Consultation on the ground that it is unconstitutional; admitting it unconstitutional we would ask if the Constitution authorized the consultations that formed the plans of Jalapa and Vera Cruz, by which Bustamante and Santa Anna worked out their elevations; or if it authorized the late consultations of the city of Toluca, and of the hundred other towns which have declared in favor of Centralism? A Consultation is more indispensable to us than to any other portion of the Republic; since the imprisonment of our governor, the dispersion of our legislature, and the adoption of Centralism we have no constitutional organ through which to speak.

"It is too evident to admit of argument that, the state of which Texas is a part being recognized as one of the contracting parties on forming the constitution, we are not bound by any change of government or infraction of the constitution until our assent is obtained. How is that assent to be arrived at? We contend only by general Consultation, the constitution and all officers

under it having perished in the anarchy that at present surrounds, and that, unless something is done, is likely soon to overwhelm us.

"Some seem to imagine that the present difficulties can be quieted by remaining inactive and venting their endless and unavailing curses on the heads of the land speculators, and war party, as they are termed. We profess ourselves as a matter of public policy diametrically opposed to all large monopolies of the public domain like the late land speculation; and equally opposed to the principle of any person or party rashly involving us in difficulties against the consent of the majority, and we wish a consultation among other things for the purpose of devising some plan to prevent the remainder of our public lands from being trifled away; and also to prevent a few rash individuals from deluging us with all the horrors of war without our consent, and before we are prepared. Unless some concerted plan of action is determined on in general Consultation such involvement is inevitable, for a great many believe in the hostile intentions of the government and have sworn to resist with their lives the introduction of armed force. Some seem to imagine that everything can be done by neighborhood or colony meetings, suddenly assembled, or suddenly dispersed, and always acting under excitement.

"We would ask: Is a Consultation of all Texas, composed of members selected for their wisdom and honesty and their deep interest in the welfare of their country, who would deliberate calmly and in full possession of all the necessary information—we ask, would not a body like this be apt to restore order and peace

and confidence, and would not its acts and its doing be more respected by the government, the people of Texas and the world, than the crude conceptions and rash determinations of a hundred or a thousand hastily convened meetings? We conceive it anti-republican to oppose a Consultation. It is tantamount to saying that the people cannot and shall not be trusted with their own affairs. That *their voice* shall be stifled, and that a few shall rule and dictate and lord it over us, as is now and always has been the case in this land of our adoption. What the Consultation may do when it meets we cannot venture to predict. Knowing, however, that it will speak the voice of the majority, and recognizing the republican principle that the majority are right, on its decisions we will fearlessly stake our lives, or fortunes and our sacred honor. If (which we believe impossible) that majority should require us to yield servile submission to a form of government or to anything else that would disgrace us as free-born men, we would not counteract its decision—but would claim the privilege of removing ourselves from a land where such base and abject doctrines prevail.

"The only instructions which we would recommend to be given to our representatives is to secure peace if it is to be obtained on constitutional terms, and to prepare for war—if war is inevitable. We herewith send you information, for the truth of which we *vouch*, calculated to convince the most incredulous that there is every prospect of our being soon invaded, the bare probability of which is certainly sufficient to make any prudent people meet together and provide for their protection. Those who are in favor of peace, as no

doubt all of us are, should earnestly recommend a consultation, for, whether the government is hostile or not, many believe it and will predicate on that belief such acts of violence as will most undoubtedly involve us in war. In short a Consultation is the only mode of securing peace promptly and permanently—or of carrying on war efficiently and successfully.

"We propose, fellow-citizens, that each jurisdiction elect five individuals, the elections to be ordered and holden by the Committees of Safety and Correspondence on the 5th of October, and the Consultation to convene in Washington on the 15th of the same month. We propose that each member use every exertion to ascertain the population of his jurisdiction. And we propose and request that each jurisdiction hold public meetings and elect committees to correspond with the committees of all other parts of Texas. In conclusion, fellow-citizens, we trust and implore that all party feeling and violence may be buried in oblivion and that we may go on together in harmonious concert, prospering and to prosper. We all have a common interest and are desirous to accomplish a common object—namely the welfare of Texas, with which our own is indissolubly identified. We are now traveling different roads and devising different plans because we do not understand each other, on account of our dispersed and scattered settlements, on account of the impossibility of disseminating correct information, and on account of the universal prevalence of faction, party spirit, rumor, and violence in every corner of the land. With the hope and the belief that you will cooperate with us in bringing about a consultation, and that the

happiness of all Texas may be promoted by its deliberations, we subscribe ourselves your friends and fellow-citizens."

This address was printed in handbill form, together with other matter giving information relative to the plans of the national government to send troops to Texas, and was circulated throughout Texas. It was also published in the *Texas Republican.* The "information" consisted chiefly of letters from persons of federalist sentiments at San Antonio and Goliad, and while no names were printed, the committee vouched for the reliability of the writers. The committee declared that these communications would not have been made public but for the fact that "the source from which they are derived is unquestionable."

"We are informed," said the committee's statement, introducing the letters, "that the idea of flooding Texas with troops has long since been formed, and that Santa Anna has been heard to declare that he would drive every Anglo-American beyond the Sabine. That the plan adopted for the introduction of troops into Texas as formed was this—they were to be introduced in small numbers, so as not to excite the apprehension of the colonists, and for the '*express purpose*' of enforcing the revenue laws. And that in accordance with that plan, in addition to the troops now at Béxar, five hundred more in the month of May last actually embarked at Tampico for Matagorda, and that, after the vessels which were to have transported them had weighed anchor, a courier arrived bringing news of the breaking out of the revolution in Zacatecas, and that they were disembarked immediately, and proceeded

forthwith to that place to crush the spirit of republicanism in that unfortunate state—the result of that expedition will never cease to be regretted whilst liberty has a votary. That that plan is now abandoned, and that the present plan is to introduce an *overwhelming force; and at one blow to prostrate Texas.* They boast that they will bring ten thousand soldiers, and that they will be here this fall, or early this winter. The young officers of the army are particularly chivalrous; and manifest great anxiety to flush their maiden swords in the blood of the citizens of Texas."

One of the letters, in analyzing the situation, described the various parties into which the people of Texas were divided, and thus gave a vivid representation of the state of public opinion at the moment that the Columbia committee began its work of agitation.

"The people," it read, "may be said at this time to be divided into three parties.

"The first has been dominated by the war party. These compose a large and very respectable portion of the community, and they urge with very great plausibility that Texas is now by the repeated acts of the general government entirely released from her allegiance to the *late republic* of Mexico, that she is thrown back into a complete state of nature, and that by the laws of nature and of nations she has an indisputable right to take care of herself. If the premises are admitted, the conclusion is irresistible. If the constitutions, state and federal, have been annulled by the establishment of a new form of government, nothing can be more clear than that the integral parts

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which compose the old compact have the right to determine for themselves whether they will adopt the new. But it is not part of the writer's present intentions to discuss the merits or pretensions of either party; those who hold the affirmative can doubtless sustain themselves by more plausible arguments. . . .

"The second party (and that which the writer believes to be the largest) is composed of those men who are willing to pledge their lives and fortunes for the good of their country, but before any final or decisive step is taken these conceive that the whole of Texas ought to be consulted; that the majority in all states or communities ought to control, and that where the opinion of the majority is clearly expressed it should then be acquiesced in by the minority. These sentiments do honor to the head as well as the heart. They urge that 'the welfare and happiness of Texas' is their motto, and that they are willing to unite heart and hand in promoting that object, so soon as the voice of the people can be heard.

"The next party may be denominated the Neutralist. Their name gives a sufficient definition. They are as contemptible in numbers as in character. The last classification has been styled the submission party. This embraces a large number of very good men, but who, either alarmed or misguided, are willing to lie supinely on their backs, declaring that there is no cause for alarm, and tamely submit to all the insults and indignities which military despotism may think proper to heap upon us. They allege that the general government has the right to introduce troops into any part of Texas in any numbers which it may think proper.

The Federal Government of Mexico once had the right to introduce troops amongst us; but that right most unquestionably ceased when the federal system was prostrated, and by the laws of nations it is a virtual declaration of war for Mexico to send troops until Texas has acceded to the new plan of government. She cannot accede to the new plan until all the people are consulted."

It was in this way that the propaganda for a consultation was carried on, and by the end of August it was making headway throughout the department of the Brazos. Meantime, activity had been started in the department of Nacogdoches. The meeting in the town of Nacogdoches, which Johnson and Baker had induced the political chief to call for August 15, was held in due course, and it, too, went on record for a consultation, but it requested the ayuntamiento of San Felipe to call it. This meeting was held at Teal's Tavern (the Old Stone House) and was presided over by James Bradshaw, with William G. Logan as secretary. Sam Houston delivered a stirring address, in which he set forth that the abolition of the federal system by force left the people of Texas in a state of nature, and placed upon them the necessity of deciding their own destiny. A consultation was necessary in order to obtain an expression of the sense of the people. The resolutions, which were presented by Solomon R. Peck, followed the same general argument and declared that, the federal constitution being destroyed, the Texans must take measures to preserve themselves from anarchy. The citizens of Nacogdoches, they declared, regarded war as a most fearful

scourge, but they were opposed to despotism and monarchy, and should the exposed parts of Texas be invaded by an armed force, they would support the people of those sections in resisting it. Persons who fled from the country in the event of such invasion were denounced as unworthy to enjoy the rights of citizens, or to hold any property in the country. A committee, consisting of James Bradshaw, Sam Houston, Thomas J. Rusk and Richard Sparks, was named to treat with the various tribes of Indians in East Texas for the purpose of preserving peace with them. Finally, on motion of Sam Houston, the ayuntamiento of San Felipe was requested to call a general consultation of all of Texas.

Johnson and Baker continued their activities in East Texas. Accompanied by a committee from Nacogdoches, they proceeded to San Augustine and presented a copy of the Nacogdoches resolutions to leading men there. The result was another meeting at that place, at which the resolutions were approved and the request that San Felipe call a consultation was seconded. Thus an organized movement for resistance of the introduction of troops and for a consultation was launched in the department of Nacogdoches at the very moment that the Columbia committee was getting its campaign under way in the department of the Brazos.

Johnson and Baker started back to San Felipe for the purpose of inducing the ayuntamiento there to call the consultation. They had not received news of the action of the Columbia committee calling the consultation to meet at Washington. Indeed, they were unaware of the fact that the acting political chief, Wily Martin, had issued writs for their arrest in

accordance with the demand of Ugartechea. They were informed of this circumstance when they arrived at Washington at the La Bahía crossing of the Brazos. They also learned that Travis and Williamson had left San Felipe and were hiding somewhere in the neighborhood of Washington. This presented an embarrassing situation. However, they were determined to perform their mission of delivering the Nacogdoches and San Augustine resolutions to the proper authorities at San Felipe, even though they risked arrest in doing so. It was then that it was recalled that legally Dr. J. B. Miller still was political chief, Martin only acting during his absence on the excuse of illness. Instead of going directly to San Felipe, therefore, Johnson and Baker turned aside and called upon Miller. They urged him to return to San Felipe, take over the office of political chief again and revoke the writs for their arrest. Sentiment had changed considerably since Miller had vacated the office in favor of Martin, and Miller consented to the program. Johnson and Baker then tried to locate Travis and Williamson with the idea of having all four of them go boldly to San Felipe together. Not being successful in this, they proceeded without them.

The arrival of Johnson and Baker at San Felipe was like a triumphal entry. They were cheered on all sides and no move was made to arrest them. Two hours later Travis and Williamson, who had received word of Miller's decision, also arrived at San Felipe, and there were more demonstrations. Here was open defiance of the military authorities in very truth. Wily Martin, of course, had no desire to arrest the proscribed

men, but had expected them to remain in hiding in order to save him from the embarrassment of officially defying Ugartechea and Cos. However, had any attempt been made to arrest the four arrivals at San Felipe that day there would have been a riot. They were the heroes of the moment. Then Miller arrived the next day, resumed the office of political chief and promptly revoked the writs for their arrest. The department of the Brazos thus officially put into effect the resolution of the Columbia meeting that no individuals would be delivered to the military authorities.

The circumstance that two different meeting places for the proposed consultation had been mentioned led to some confusion. The Nacogdoches and San Augustine meetings had requested that the municipality of San Felipe take the lead in calling the consultation, and other meetings in Texas had mentioned San Felipe, either as the proper place for holding it or as the proper municipality to call it. On the other hand the Columbia committee, in its address to the municipalities of Texas, had definitely called a consultation to meet at the comparatively new town of Washington. But there was no mistaking the sentiment of the people with respect to the need of such a gathering. A majority favored a consultation, whatever they might think it should do when it met. The failure of the mission of Barrett and Gritten, through the demand for the arrests, had brought about a revulsion of feeling, and sentiment for resistance was rapidly spreading. Travis reported this change to his friend, John W. Moore, in a letter written at San Felipe on August 21. "When I returned from your place," he wrote, "I found

the Tories and cowards making a strong effort, and for a time they were but too successful. I was therefore disgusted, and wrote you but little, as I had nothing to communicate but what I was ashamed of as a free man and a friend of my country. It is different now, thank God! Principle has triumphed over prejudice, passion, cowardice and slavery. Texas is herself again. The people in the whole upper country are unanimous for a convention in which the voice of the people will be freely expressed. . . . A tremendous reaction has taken place and the Tories are almost as bad off as they were in 1832."

But, if sentiment for a consultation and for resistance was nearly universal, it cannot be said that the idea of permanent separation from Mexico was held by many. The Mexican authorities, however, interpreted the activities in Texas as having no other purpose. Mexican leaders had become convinced in 1830 that there was some connection between the Anglo-American colonists and the United States government, and many of them had never abandoned that belief. Tornel, the minister of war, who was the direct superior officer of Cos, had been opposed to the colonization policy for years. He believed the United States wanted Texas and that the Anglo-American colonists would seize the first opportunity to separate from Mexico. This belief was shared by Manuel Díez de Bonilla, who had been made minister of relations in June. On August 31 Bonilla issued a communication to the military governors and all local officers throughout Mexico, calling attention to the situation in Texas, and declaring a race war. It was calculated to appeal to the patriotism and

the racial prejudice of the Mexicans, and to forestall any support that might be obtained by the Texans should they decide to maintain the constitution of 1824.

"The colonists established in Texas," wrote Bonilla, "have recently given the most unequivocal evidence of the extremity to which perfidy, ingratitude and the restless spirit that animates them can go, since—forgetting what they owe to the supreme government of the nation which so generously admitted them to its bosom, gave them fertile lands to cultivate, and allowed them all the means to live in comfort and abundance—they have risen against that same government, taking up arms against it under the pretense of sustaining a system which an immense majority of the Mexicans have asked to have changed, thus concealing their criminal purpose of dismembering the territory of the Republic.

"His Excellency the President *ad interim*, justly irritated by a conduct so perfidious, has fixed his entire attention upon this subject; and in order to suppress and punish this band of ungrateful foreigners, has directed that the most active measures be taken, measures required by what is in reality a crime against the whole nation. The troops destined to sustain the honor of the country and the government will perform their duty and will cover themselves with glory."

By the end of August, therefore, the lines were being drawn. Even if there had been any hope of reconciling the colonists to the changed form of government and the garrisoning of Texas, the attitude of the Mexican authorities would have prevented peace. The racial difference of the colonists and the authorities

made an understanding impossible. However, there were still good men in Texas who failed to recognize this situation. All the facts were not known, of course, and the contents of the communication of Bonilla to the governors were not known. There were those who still hoped that the disturbed condition of the country might be allayed without bloodshed and that peace with the national authorities might be established.

This was the situation at the opening of September when the news spread throughout the settlements that Stephen F. Austin had returned to Texas. Immediately the question of Austin's attitude became one of paramount importance. He was returning from prison, where he had suffered because of his labors in behalf of the colonists. He would be sure of a large following, no matter what attitude he took, or what course he advocated. If he opposed the consultation it would be certain to split the Texans into two camps. The question on every tongue therefore was, "What does Colonel Austin think?"

CHAPTER XXX.

AUSTIN'S CALL TO ARMS.

STEPHEN AUSTIN had left Mexico City on July 13, and was not informed of the condition of affairs in Texas. His release from the charges against him had been the result of a general amnesty law, but when he arrived at Vera Cruz the authorities there refused to permit him to embark without special permission from Santa Anna. Santa Anna was on his estate, and Austin was compelled to visit him to obtain the required permission. At that time it still appeared that peace between Texas and the authorities would be maintained, for at the very moment Austin was conferring with Santa Anna the joint committee at San Felipe was sending Barrett and Gritten to see Cos with the idea of reaching an understanding and preventing the introduction of troops into Texas. Santa Anna expressed friendship for Texas in his conversation with Austin, and promised to use his influence to obtain special consideration for the colonists in the new constitution, so that they might be permitted to organize a local government in keeping with their peculiar needs. He readily granted permission to Austin to embark at Vera Cruz for New Orleans.

Personally, Austin had very little faith in Santa Anna's expressions of friendship. But his recent long imprisonment had been due to an attempt on his part to anticipate the feelings of the colonists, and his nat-

ural caution was reinforced by that experience. He was now convinced that the ultimate destiny of Texas was to become part of the United States, unless the Anglo-Americans should prematurely precipitate matters and be driven out of Texas in consequence. But he recognized that it would be of paramount importance that the separation of Texas from Mexico, when it came, should be in circumstances that would bear the closest scrutiny under the standards of international law, and that the basis for separation should be absolutely legal. He was convinced that the time of parting with Mexico and its frequent revolutions would certainly come, but he did not want it to come because of any failure on the part of the Texans to make every effort to avoid separation. When it came, he wanted it to be clear to everybody outside of Mexico that the Anglo-Americans had no choice but to separate. Meantime, he desired an increase of the population of Texas by the immigration of good men from the United States, and the fostering of friendship for Texas among the people of the United States, especially among the people of the Southwest.

In considering Austin's attitude about the time of his return to Texas, however, it is important to keep in mind that he had no way of knowing the change of sentiment which had taken place during the months of July and August. Events in Mexico City had convinced him that separation was bound to come sooner or later. But he was not convinced that the colonists were ready for separation, either in sentiment or in point of numbers. The proper program, as he saw it, was to avoid conflict with the Mexican authorities

as long as possible, to make the best of things so long as Texas was part of Mexico, and to work to increase the Anglo-American population as rapidly as this could be done. For he felt that the following spring would decide the fate of Texas.

Just before leaving New Orleans for Texas, Austin wrote a long letter to his cousin, Mrs. M. A. Holley, which throws abundant light on his point of view about this time. It was dated August 21, 1835, and was as follows:

"I am, as you will see by my date, once more in the land of my birth, and of *freedom*—a word I can well appreciate. I shall leave here in a day or two for Texas. I wished to have taken a trip up the river, and thence to the North, but shall have to defer it until spring. I have been so long absent from home, that my affairs are behind hand, and require my attention.

"The situation of Texas is daily becoming more and more interesting, so much so that I doubt whether the Government of the United States or that of Mexico can much longer look on with indifference, or inaction. It is very evident that Texas should be effectually, and fully, *Americanized*—that is, settled by a population that will harmonize with their neighbors on the *East*, in language, political principles, common origin, sympathy, and even interest. *Texas must be a slave country. It is no longer a matter of doubt.* The interest of Louisiana requires that it should be. A population of fanatical abolitionists in Texas would have a very dangerous and pernicious influence on the overgrown slave population of that state. Texas must

and ought to become an outwork on the west, as Alabama and Florida are on the east, to defend the key to the western world—the mouths of the Mississippi. Being fully Americanized under the Mexican flag would be the same thing in effect and ultimate result as coming under the United States flag. A gentle breeze shakes off a ripe peach. Can it be supposed that the violent political convulsions of Mexico will not shake off Texas as soon as it is ripe enough to fall? All that is now wanting is a great immigration of good and efficient families this fall and winter. Should we get such an immigration, especially from the Western States—all is done; the peach will be ripe. Under this view, and it is the correct one, every man of influence in the Western States who has the true interests of his country at heart ought to use every possible exertion to induce such an immigration. They can get lands; *now is the accepted time*, and none too soon. The door is still open for them to come in legally. The government of Mexico cannot complain—it has invited immigration.

"General Santa Anna told me he should visit Texas next March—as a friend. His visit is uncertain—his friendship more so. We must rely on ourselves, and prepare for the worst. A large immigration will prepare us, give us strength, resources, everything. I do not know the state of public feeling in Texas, but presume they mean to avoid all collision with Mexico if possible to do so, and be also ready to repel attacks should they come. This is my opinion. A great emigration from Kentucky, Tennessee, etc., each man with his rifle or musket, would be of great use to us—very

great indeed. If they go by sea, they must take passports from the Mexican consul, comply with all the requirements of the law, and get *legally* into the country, so long as the door is legally open. Should it be closed it will then be time enough to force it open—if necessary. *Prudence and an observance of appearances* must therefore be strictly attended to for the present. Here, I figure to myself, you start and exclaim, 'Diós mio, my cousin Stephen has become a very Mexican politician in hypocrisy!' Not so; there is no hypocrisy about it. It is well known that my object has always been to fill up Texas with a North American population; and, besides, it may become a question of *to be, or not to be.* And in that event the great law of nature—self-preservation—operates, and supersedes all other laws. The cause of philanthropy and liberty, also, will be promoted by Americanizing Texas. I am morally right, therefore, to do so by all possible, honorable means.

"In all countries, one way or another, a few men rule society. If those few were convinced of the great benefits that would result to the Western world by *Americanizing* Texas, they would exert their influence to promote that object, and in doing so use such arguments as would best effect it, without letting anything transpire in the public prints to alarm the Mexican government, or place that of the United States in the awkward necessity of taking any steps, as a friend of Mexico under the treaty, etc.

"If there were any way of getting at it, I should like to know what the *wise* men of the United States think the people of Texas ought to do. The fact is,

we must or ought to become a part of the United States. Money should be no consideration. The political importance of Texas to the great western world, from the influence it may one day have on Louisiana, is so great that it cannot fail to have due weight on all reflecting men, and on General Jackson and the Senate in particular. The more the American population of Texas is increased the more readily will the Mexican Government give it up. Also, the more the people of Texas seem to oppose a separation from Mexico, the less tenacious will they be to hold it. This seems paradoxical, but it will cease to appear so when you consider that strange compound, the Mexican character. If Texas insisted on separating, and it should be given up in consequence, it would appear as if they had yielded to force, or fear, and their national pride would be roused. They are a strange people, and must be studied to be managed. They have high ideas of national dignity, and national interest, too, if it can be done in a *still* way, or so as not to arrest public attention. *'Diós castiga el escándalo mas que el crimen'* (God punishes the exposure more than the crime) is their motto. The maxim influences their morals and their politics. I learned it when I was there in 1822, and I now believe that if I had not always kept it in view, and known the power which *appearances* have on them, even when they know they are deceived, I should never have succeeded to the extent that I have done in Americanizing Texas.

"To conclude, I wish a great immigration this fall and winter from Kentucky, Tennessee, *everywhere;* passports or no passports, *anyhow*. For fourteen years

I have had a hard time of it, but nothing shall daunt my courage or abate my exertions to complete the main object of my labors to *Americanize Texas*. This fall and winter will fix our fate—a great immigration will settle the question."

This letter would indicate that Austin was convinced that the Texans would be compelled to fight by spring. He seems to have figured that the Mexicans would be unable to send a very large force to Texas before that time. It is plain that he recognized that help from the United States would be needed, and had given some thought to the problem of how that help could be obtained without violation of the neutrality laws, and to the arguments that might influence American leaders. If armed men could be introduced into Texas from the United States, one by one, during the fall and winter, a formidable force would be created in this way by spring. A great immigration, "each man with his rifle or musket," he says, "would be of great use to us—a very great indeed." The spring would witness the ripening of the peach.

There also were men in Texas who recognized this need of men from the United States, and many of them were writing just such letters as that of Austin to their friends back home. J. W. Fannin, for example, wrote from Velasco to a friend in the American army, a colonel, urging him to resign his commission and come to Texas, as trained and experienced military leaders soon would be needed. "The time is at hand," he wrote, "nay, has arrived, when we have to look around us and prepare, with our limited resources, to fight."

Full of plans for the furthering of such "immigration," Austin took passage for Velasco on the American schooner *San Felipe*. He was destined to be promptly acquainted with the disturbed condition of affairs in Texas for, as the *San Felipe* approached the mouth of the Brazos, a revenue cutter, the *Correo de Mexico*, accosted her and, when she failed to stop, opened fire on her. The *San Felipe* replied to the Mexican's fire and a fight, lasting about three-quarters of an hour, ensued. The *Correo de Mexico*, which was commanded by Capt. Thomas M. Thompson, an Englishman, had been attempting for some weeks to suppress the contraband trade along the coast, the revenue service on land having completely broken down after Tenorio's surrender of Anáhuac to Travis. Some weeks previously she had captured one American vessel, but the *San Felipe* had been prepared for her. Moreover, some of the colonists at Velasco had organized to cooperate with the American traders to outwit the Mexicans. The *San Felipe* bested the revenue cutter and landed her passengers, and next day, towed by a steamboat from the Brazos River, the American schooner went out after the *Correo de Mexico* and captured her. Captain Thompson and his crew were taken to New Orleans and placed in jail on a charge of piracy. They were later released because of a disagreement of the jury which heard the evidence in the case.

The fight between the *San Felipe* and the *Correo de Mexico*, and the active cooperation of the colonists on shore, were witnessed by Austin. Thus even before he landed he was brought face to face with the grave situation which had developed during the previous

few months. It disturbed him very much, for he feared that Texas was not yet prepared. "The writer has been told by those who were there at the time," says Guy M. Bryan, Austin's nephew, "that Austin walked the beach all night, his mind oppressed with the gravity of the situation, forecasting the troubles ahead of Texas." This was the night of September 1. Next day Austin proceeded to the home of his sister, about ten miles up the Brazos, and a family reunion took place. He had been away from home since April, 1833, and more than half of the period of his absence had been spent in prison. His sister's little daughter, a great favorite of Austin's, had died of cholera in the meantime. It was the first time sister and brother had met since these events. They had much to say to each other, and it was a reunion of mixed emotions.

The news of Austin's arrival spread rapidly, and in Brazoria, the nearest town to the Perry plantation where he was resting, a movement was started immediately to welcome him home in a fashion in keeping with his services to the country. It was decided to entertain him at a public dinner on September 8, which would serve the double purpose of showing him appropriate honor and of supplying the occasion for an expression of his views on the situation in Texas. On September 4, a delegation called upon Austin and notified him of this plan. He agreed to it, and began the preparation of the address he would deliver. Austin was temperamentally a man who weighed carefully every public utterance, and he was acutely conscious of the responsibility which his peculiar posi-

tion among the colonists placed upon him. In any circumstance, his expression of opinion on such grave questions as confronted Texas would be dispassionate and conservative. But the fact that his views were anxiously awaited throughout Texas, and that they would have far-reaching effect could not fail to fill him with unusual concern that what he said should be beneficial to the situation.

"I have felt it to be my duty," Austin once wrote, "to be very cautious in involving the pioneers and actual settlers [of Texas] by any act of mine until I was fully and clearly convinced of its necessity, and of the capabilities of our resources to sustain it. . . . I have been, either directly or indirectly, the cause of drawing many families to Texas, also the situation and circumstances in which I have been placed have given considerable weight to my opinions. This has thrown a heavy responsibility upon me—so much so that I have considered it to be my duty to be prudent, and even to control my own impulses and feelings; these have long been impatient under the state of things which has existed in Texas, and in favor of speedy and radical change. But I have never approved of the course of forestalling public opinion by party or partial meetings, or by management of any kind. The true course is to lay all the facts before the people and let them judge for themselves."

It was this course he decided upon in preparing his Brazoria speech. He would "lay all the facts before the people," as he saw them, the facts favorable to the Mexican authorities as well as unfavorable to them.

And that the people might judge and act for themselves, he decided to make a declaration in favor of the consultation. But above all he decided to urge unity among the people.

Speakers at the banquet delivered eulogies on Austin's character and his great services to the country, and expressed the gratitude of the people for the sufferings he had undergone in their behalf. Austin's address, therefore, was in acknowledgment of these expressions, but he devoted most of it to a discussion of the principles involved in the political situation.

"I cannot refrain from returning my unfeigned thanks," said Austin, "for the flattering sentiment with which I have just been honored, nor have I words to express my satisfaction on returning to this my more than native country.

"I left Texas in April, 1833, as the public agent of Texas—the people of Texas—for the purpose of applying for the admission of this country into the Mexican confederation as a state separate from Coahuila. This application was based upon the constitutional and vested rights of Texas, and was sustained by me in the City of Mexico to the utmost of my abilities—no honorable means were spared to effect the objects of my mission, and to oppose the forming of Texas into a territory, which was attempted. I rigidly adhered to the instructions and wishes of my constituents so far as they were communicated to me—my efforts to serve Texas involved me in the labyrinth of Mexican politics. I was arrested and have suffered a long persecution and imprisonment. I consider it to be my

duty to give an account of these events to my constituents, and will therefore at this time merely observe that I have never in any manner agreed to anything, or admitted anything that would compromise the constitutional or vested rights of Texas. These rights belong to the people, and can only be surrendered by them.

"I fully hoped to have found Texas at peace and tranquillity, but regret to find it in commotion, all disorganized, all in anarchy, and threatened with immediate hostilities. This state of things is deeply to be lamented—it is a great misfortune, but it is one that has not been produced by any acts of the people of this country—on the contrary it is the natural and inevitable consequence of the revolution that has spread all over Mexico, and of the imprudent and impolitic measures of both the general and State Governments with respect to Texas. The people here are not to blame, and cannot be justly censured. They are farmers, cultivators of the soil, and are pacific from interests, from occupation, and from inclination. They have uniformly endeavored to sustain the constitution and the public peace by pacific means, and have never deviated from their duty as Mexican citizens. If any acts of imprudence have been committed by individuals they evidently resulted from the revolutionary state of the whole nation, and imprudent and censurable conduct of the State authorities, and the total want of a local government in Texas. It is indeed a source of surprise and creditable congratulation that so few acts of this description have occurred under the peculiar

circumstances of the times. It is however to be remembered that the acts of this kind were not the acts of the people, nor is Texas responsible for them. They were, as I before observed, the natural consequence of the revolutionary state of the Mexican Nation, and Texas certainly did not originate that revolution, neither have the people, as a people, participated in it. The consciences and the hands of the Texans are free from censure, and clean.

"The revolution in Mexico is drawing to a close. The object is to change the form of Government, destroy the federal constitution of 1824, and establish a central or consolidated Government. The states are to be converted into provinces.

"Whether the people of Texas ought or ought not to agree to this change, and relinquish all or part of their constitutional rights under the constitution of 1824, is a question of the most vital importance, one that calls for the deliberate consideration of the people, and can only be decided by them fairly convened for that purpose. As a citizen of Texas I have a right to an opinion on so important a matter. I have no other right and pretend no other. In the report which I consider it my duty to make to my constituents, I intend to give my views on the present situation of the country, and especially as to the constitutional and natural rights of Texas, and will therefore at this time merely touch this matter.

"Under the Spanish Government Texas was a separate and distinct province; as such it had a separate and distinct local organization. It was one of the unities that composed the general mass of the Nation,

and as such participated in the war of the revolution, and was represented in the constituent Congress of Mexico that formed the Constitution of 1824. This constituent Congress, so far from destroying this unity, expressly recognized and confirmed it, by the law of May 7, 1824, which united Texas with Coahuila *provisionally* under the special guarantee of being made a state of the Mexican confederation as soon as it possessed the necessary elements. That law and the federal constitution gave to Texas a specific political existence, and vested in its inhabitants special and defined rights, which can only be relinquished by the people acting for themselves as a unity and not a part of Coahuila, for the reason that the union of Coahuila was *limited*, and only gave power to the state of Coahuila and Texas to govern Texas for the time being, *but always subject to the vested rights of Texas*. The state therefore cannot relinquish those vested rights by agreeing to the change of Government or by any other act, unless expressly authorized by the people of Texas to do so, neither can the general Government of Mexico legally deprive Texas of them, without the consent of this people. These are my opinions.

"An important question now presents itself to the people of this country.

"The federal constitution of 1824 is about to be destroyed, the system of government changed, and a central or consolidated one established. Will this act annihilate all the natural rights of Texas, and subject the country to the uncontrolled and unlimited dictation of the new Government?

"This is a subject of the most vital importance. I

have no doubt the federal constitution will be destroyed, and a central government established, and that the people here will soon be called upon to say whether they agree to this change or not. This matter requires the most calm discussion, the most mature deliberation and the most perfect union. How is this to be obtained? I see but one way, and that is by a general consultation of the people by means of delegates elected for that purpose, with full powers to give such an answer in the name of Texas to this question as they may deem best, and to adopt such measures as the tranquillity and salvation of the country require.

"It is my duty to state that General Santa Anna verbally and expressly authorized and requested me to say to the people of Texas that he was their friend, that he wishes for their prosperity, and would do all he could to promote it, and that in the new constitution he would use his influence to give to the people of Texas a special organization suited to their education, habits and situation; several of the most intelligent and influential men in Mexico, and especially the ministers of relations and war, expressed themselves in the same manner. These declarations can afford another and more urgent necessity for a general consultation of all Texas in order to inform the general Government and especially General Santa Anna what kind of an organization will suit the education, habits and situation of this people.

"It is also proper for me to state that in all my conversations with the President and ministers and men of influence, I advised that no troops should be sent to Texas, and no cruisers along the coast. I gave it

as my decided opinion that the inevitable consequence of sending an armed force to this country would be war. I stated that there was a sound and correct moral principle in the people of Texas that was abundantly sufficient to restrain or put down all turbulent or seditious movements, but that this moral principle could not, and would not unite with any armed force sent against this country; on the contrary it would resist and repel it, and ought to do so. This point presents another strong reason why the people of Texas should meet in general consultation. This country is now in anarchy, threatened with hostilities, armed vessels are capturing everything they can catch on the coast, and acts of piracy are said to be committed under cover of the Mexican flag. Can this state of things exist without precipitating the country into a war? I think it cannot, and therefore believe it is our bounden duty as Mexicans, and as Texans, to represent the evils that are likely to result from this mistaken and most impolitic policy in the military movement.

"My friends, I can truly say that no one has been, or now is, more anxious than myself to keep trouble away from this country, no one has been or now is more faithful to his duty as a Mexican citizen, and no one has personally sacrificed or suffered more to discharge this duty. I have uniformly opposed having anything to do with the family political quarrels of the Mexicans. Texas needs peace and a local Government; its inhabitants are farmers, they need a calm and quiet life. But how can anyone remain indifferent when our rights, our all appear to be in jeopardy, and when it is our duty as well as our obligation as good

Mexican citizens to express our opinions on the present state of things, and to represent our situation to the Government? It is impossible. The crisis is certainly such as to bring it home to the judgment of every man that something must be done, and that without delay. The question will perhaps be asked, what are we to do? I have already indicated my opinion. Let all personalities, or divisions, or excitements, or passion, or violence be banished from among us. Let a general Consultation of the people of Texas be convened as speedily as possible, to be composed of the best, and most calm, and intelligent, and firm men in the country, and let them decide what representations ought to be made to the general Government, and what ought to be done in the future.

"With these explanatory remarks, I will give as a toast: *The constitutional rights and security and peace of Texas—they ought to be maintained; and, jeopardized as they now are, they demand a general consultation of the people.*"

This speech united Texas. On three essential points of practical policy Austin declared himself to be with the war party. He was for a consultation of all Texas, he was for resistance of the introduction of troops, and he was for maintenance of the "constitutional rights" and the security of Texas. But the most important feature of Austin's speech was that he set forth a clear-cut legal basis for any course the majority of the people of Texas might decide upon. Even a declaration of independence, if made by the will of a majority of the people, would have solid legal foundation on the basis set forth by Austin. For, by

beginning with the "separate and distinct local organization" which Texas had as "a separate and distinct province" under the Spanish government prior to independence, and tracing the legal history of Texas from that point forward, he made the will of the majority of the actual inhabitants of Texas the final authority in deciding its destiny. Even the State of Coahuila and Texas, he contended, could not relinquish the vested rights of Texas, for the union with Coahuila was provisional and "always subject to the vested rights of Texas." "The state therefore cannot relinquish those vested rights by agreeing to the change of Government, or by any other act," he declared. "Neither can the general Government of Mexico legally deprive Texas of them, without the consent of this people." Austin advocated a consultation in order that the will of the people might be determined. He had his own ideas about the course that should be taken, but it was for the majority to decide that course. On this platform the Texans became a united people. They were overwhelmingly in favor of two things for the immediate future—the calling of a consultation and the resistance of any attempt to introduce more troops into Texas.

Following the banquet at Brazoria, Austin went directly to San Felipe. As has been said, there had been demands from different parts of Texas that San Felipe take the lead in calling the consultation, and that that town be designated as the place of meeting. The Columbia committee had taken it upon itself to issue such a call, but fixed the meeting place at Washington. There was dissatisfaction with this action

and, besides, the Columbia call provided for a consultation clothed with unlimited powers. From Austin's point of view there should first be a primary consultation, the business of which would be chiefly to draw up rules and regulations for the holding of elections, to apportion representation equally among the various communities, based on careful estimates of the population, and then to call a general consultation, about the representative character of which there could be no question, which would settle the course to be followed with respect to the organization of a local government, and the attitude to be assumed in relation to the rest of Mexico. On September 12, four days after the banquet at Brazoria, a public meeting was held at San Felipe, and it adopted resolutions declaring allegiance to the constitution of 1824, and calling a consultation to meet at San Felipe on October 15. It appointed a committee of vigilance and safety consisting of Stephen F. Austin, Wily Martin, Randall Jones, William Pettus and Gail Borden, Jr., and from that moment Austin assumed leadership of the colonists in dealing with the situation. A letter was sent to all the municipalities of Texas, urging cooperation to make the consultation fully representative, and plans were laid to carry on a continuous campaign to this end.

On September 19, however, information was received which hastened matters considerably. Edward Gritten, who still was at San Antonio, wrote Wily Martin that Cos was expected at that place, having landed at Copano a few days before with a force of five hundred troops, and that he insisted that the proscribed men be deliv-

ered up immediately or he would march against the colonists. But this was not all. Cos also took the position that any changes in the constitution or in the form of government made by congress must be accepted by the colonists unconditionally. This meant that the consultation would not be countenanced by the authorities, and that the colonists must submit or fight. Upon receipt of this information, Austin, acting for the committee, immediately issued a call to arms.

"Information of the most important and decisive character has just been received from Béxar from unquestionable authority," he declared in a proclamation, "which in the opinion of this committee calls for the prompt attention of the people. The substance of this information is that General Cos was expected at Béxar on the 16th of this month with more troops; that he intended to make an immediate attack on the colonies; that there was a plan to try and foment division and discord among the people, so as to use part against the other and prevent preparation; and that the real object is to break up foreign settlements in Texas. This committee have no doubt of the correctness of this information, and therefore recommend:

"That the people should maintain the position taken by them at the primary meetings, to insist on their rights under the federal constitution of 1824, and of the law of the 7th of May of that year, and union with the Mexican confederation.

"That every district should send members to the General Consultation with full powers to do whatever may be necessary for the good of the country.

"That every district ought to organize its militia, where it is not already done; and have frequent musters; and that the captains of companies make a return without delay to the chief of this department of the force of his company, the arms, and ammunition, in order that he may lay the same before the general consultation of Texas. Volunteer companies are also recommended.

"This committee deems it to be their duty to say that in their opinion all kinds of conciliatory measures with General Cos and the military at Béxar are hopeless, and that nothing but the *ruin* of Texas can be expected from any such measures. They have already and very properly been resorted to without effect.

"War is our only recourse. There is no other remedy but to defend our rights, our selves, and our country by force of arms. To do this we must unite, and in order to unite, the delegates of the people must meet in general consultation and organize a system of defense, and give organization to the country so as to produce concert. Until some compact authority is established to *direct*, all that can be done is to recommend this subject to the people; and advise every man in Texas to prepare for WAR, and lay aside all hope of conciliation."

On the same day Austin wrote to W. D. C. Hall, a member of the Columbia committee, suggesting that a volunteer corps should be organized without delay.

"War is upon us," he wrote. "There is now no remedy. The answer of Cos is positive that the individuals who have been demanded must be given up, and that the people must unconditionally submit to

whatever the Government chooses to do for them. He lays down the principle that the General Government have the right to force us to submit to any form or amendment or alterations that congress may make in the constitution, etc. This is impossible; we had better leave the country at once, for we should be, under Cos's doctrine, without any rights or guaranties of any kind. I therefore think that war is inevitable; we must prepare. What do you think of raising a volunteer corps to protect the consultation, and have it ready without delay? I think it probable Cos will attack the people on the Guadalupe in a short time; they expect aid and ought to have it. I shall send to Nacogdoches immediately."

The prompt decision for war made by Austin was inevitable in the light of the principles he had laid down in his Brazoria address. The fundamental proposition he had set forth was that nobody but the people of Texas had the power or the right to decide the relations of Texas to the new government being formed at the City of Mexico. He had supported that proposition, not on mere abstract grounds, but on concrete legal grounds. Cos now took the position that the people of Texas had nothing to say about the matter, that they had no rights save what the general government should see fit to grant them and, in short, that they were merely subjects of a central despotism. In doing this, Cos but reflected the view of the central government itself. Moreover, he proposed to carry out the program of the central government to compel the submission of the colonists by force of arms, and he had moved his headquarters to San Antonio for the

purpose of distributing garrisons throughout Texas. Austin did not hesitate a moment in the face of such a situation. The issue was clear. It would stand up before the tribunal of international opinion.

Because of the erroneous interpretations which have been placed upon the Texas revolution in the United States and elsewhere, especially the interpretation which has pictured it as the result of a plot of Southern slaveholders to obtain more slave territory, it is important to emphasize the fact that this question of self-government was the issue of the revolution. The Texans had nothing to do with its making. It grew inevitably out of the move of the party of the army and the church to create a despotism over the whole of Mexico. The Texans had no choice other than to resist or submit to this despotism. The considerations which moved Austin to such prompt resistance are not to be doubted. They are set forth abundantly in his own words, written during this period For example, on the same day that he issued the first proclamation and wrote to Hall suggesting the raising of a volunteer corps, he unburdened himself to his friend, Peter W. Grayson, one of the two men who had gone to Mexico City in his behalf a year before. In a letter to Grayson he gave the reasons which prompted him to issue the proclamation.

"The final answer of General Cos," he wrote, "has just been received. It is positive that the persons who have been demanded shall be given up, and that the people of Texas must unconditionally submit to any reforms or alterations that Congress choose to make in the constitution, etc. I give you the substance, which

is that we have no rights except what the Government thinks proper to grant us as a favor.

"Can or will the people submit to this? According to the position already taken by them they cannot. War is *inevitable*. It is impossible to avoid it. This is my opinion and I have therefore issued the circular from the committee of this place, which goes below by this opportunity. I have written to Hall, and advised the raising of volunteer corps to be ready for immediate operations. I think he could raise such a corps. Texas now needs the united councils of every man in it. War and peace parties are at an end. There is no remedy but to fight. I shall send to Nacogdoches.

"A gentleman [Gritten] writes from Béxar that the country will be invaded whether the obnoxious individuals are given up or not, and the land business and everything else is to be regulated by the Military, and he says the people must make up their minds either to submit or prepare for defense.

"I place more reliance on what he says because he has made so many exertions to effect an amicable reconciliation. He also says that he will stay and see Cos, though he has no hopes of doing anything. I think he has been faithful to the people here and that he will get into prison.

"Now my friend, tell me what we can do except to fight? An attempt at reconciliation has been made and failed, and the agents (for Barrett, who has returned, says the same thing) who were sent, say we must submit or fight. Is the country or any man in it ready or willing to submit to a Military Despot! I think

not, and for this reason I thought it was my duty to let the people know their true situation, as I have done in the circular.

"Give me your opinion and that of the people in that quarter. These things have come on us much sooner than I expected when I left Mexico or New Orleans, but there is no remedy that I see. Cos has precipitated them. Two regiments, it is said, are ordered on from San Luis, and also the Campeachy troops. So says our informant, who heard it in Béxar."

Two days later Austin wrote: "I go into the war cheerfully, and with very different feelings from what I had in any of our past difficulties. We are now right. Our basis is sound and just, and will be so declared by an impartial world. We are defending our constitutional rights against military usurpation."

It was thus that the final break with Mexico came.

CHAPTER XXXI.

AUSTIN TAKES COMMAND.

HAVING decided for war, Austin proceeded with great energy to arouse the country to arms. "There must now be no half-way measures," he declared. "War in full! The sword is drawn and the scabbard must be put on one side until the military are all driven out of Texas." There was no central authority to take direction of affairs and, until such authority should be set up, somebody had to assume the lead. The San Felipe committee, with Austin at its head, assumed this leadership by general consent. Austin dispatched messages to the committees of safety throughout the department of the Brazos, calling the people to arms, and he sent Johnson and Baker to Nacogdoches with letters urging that department to raise all the men they could "and march without delay."

On the night of September 21 positive information was received from Copano that Cos had landed there with four hundred troops, and was moving his force to Goliad, forty miles from the coast. His destination was San Antonio, and immediately a plan was formed to intercept him between Goliad and that place. The point where the La Bahía road crossed the Lavaca river was chosen as best for an ambush. Accordingly a place of rendezvous on the Colorado, from which a quick march to the Lavaca could be made, was ap-

pointed, and the date of gathering was fixed as September 28. It was figured that this would give ample time for all to be on hand before Cos could reach the Lavaca, and that these calculations were correct is borne out by the fact that Cos did not reach Goliad from Copano until October 2.

Austin immediately sent out letters calling upon all to cooperate with this movement. He took upon himself the responsibility of announcing that those who could not arrive on time for the rendezvous would be formed into a reserve force, and directed that all such should report to the committee of safety at San Felipe. "This was done," he explained, "because I expect that some will come from the Trinity and some from Bevil's settlement who cannot be in time for the advance, and it is necessary to give them some center to report to, as to receive direction and organization. Until there is some head or order, we must all try to labor in concert, so as to support each other's movements as much as distances and circumstances will permit. I will remain here for a while, or go on to Lavaca, as may be deemed most advisable. I seek no command and wish none, but am ready to do all I can to unite opinion."

As characteristic of the appeals sent out by Austin, that addressed to the committee of safety of Columbia on September 22 is herewith given.

"Information was received last night by express," he wrote, "that General Cos landed at Copano with four hundred men, arms and ammunition.

"An expedition is raising in the lower country to take

the field at once. They are called upon to rendezvous at League's old place on the Colorado on the 28th of this month.

"Every man in Texas is called upon to take up arms in defense of his country and his rights. Those who can join the expedition on the 28th are requested to do so. Or they can join in at James Kerr's, on the Lavaca, which will be the principal rendezvous.

"A corps of reserve will be formed to march on and sustain the advance. Those who cannot join the advance are requested to unite with the reserve and report themselves to the Committee of Safety in this place.

"It is expected that each man will supply himself with provisions, arms and ammunition to march with.

"Arrangements will be made for permanent supplies as soon as possible."

In response to such appeals, volunteer companies formed in all sections of Texas and marched to the place of rendezvous. Texas was in arms at last, and a decidedly warm reception was being prepared for General Cos. In every neighborhood where a few families were settled, there was activity. But even yet there were those who opposed the warlike preparations, and who contended that the Mexican government had a perfect right to send troops to Texas. Moreover, there were a great many who were indifferent to all the agitation and excitement. One would like to say that the colonists were aroused to a man, but the facts can not be avoided. There was a large percentage of the colonists to the very last who took no

part in the defense of their own rights and liberties, and who even refused to help support the men in the field with supplies.

The situation had developed to the point where some central authority was absolutely necessary. Volunteers were marching from all sections of Texas to form an army, and operations in the field were expected soon to be under way. To support that army and supply it properly required some kind of central authority recognized by all. Austin, as chairman of the San Felipe committee, did what he could to supply this need, but he recognized that the committee had no legal right to assume such leadership and was unwilling that this condition of affairs should go on any longer. Accordingly, on October 1, he issued a circular in the name of the San Felipe committee, proposing to the other committees the immediate organization of a central body to serve until the consultation should meet. "This committee proposes," he said, "that one of the members of each of the other committees of safety be appointed to come to this place without one moment's delay, and remain here as a permanent council. Such a measure is now deemed to be indispensably necessary."

So it was that at the very moment that the army was being formed and preparations to intercept Cos were being completed the beginning was made to create a central civil authority. But, as will presently be seen, events interfered with the plan to intercept Cos. That plan remains one of the "what-might-have-beens" of the Texas revolution, for it became necessary to aban-

don it. Gonzales, instead of the Lavaca, became the scene of the first clash with the Mexican troops—the "Lexington of Texas." On the very day that Austin issued the call for the creation of a permanent council, a force of Mexican cavalry had appeared before the town of Gonzales and the Texans were compelled to rush every available man to the defense of that place.

With the knowledge that Cos was on his way to San Antonio with reinforcements, Ugartechea had become bold. There was at Gonzales a brass cannon—an unmounted six-pounder—which had been sent there some years before, when DeWitt's colony was having trouble with the Indians, to be used in protecting the settlers. Shortly after receiving news that Cos had embarked from Matamoros, Ugartechea sent a non-commissioned officer and four cavalrymen to Gonzales with an oxcart to get this cannon. The officer was armed with an order from the political chief of Béxar, directed to the alcalde of the town, Andrew Ponton, demanding that the cannon be delivered to him. Ponton immediately communicated the contents of the order to the leading citizens of Gonzales and they promptly promised him support if he refused to comply with it. Accordingly, Ponton, to gain time, addressed a written reply to the political chief, saying that he could not deliver the cannon without the permission of the political chief of the department of the Brazos. Leaving his companions encamped outside the town, on the opposite side of the river, the officer returned to San Antonio with this communication. Then, under pretense of sending to San Felipe for instructions, Ponton

dispatched runners to Bastrop, the nearest settlement, and to the neighborhood of J. H. Moore's place on the Colorado, with appeals for help.

This was during the last week of September, while volunteers from every section of Texas were marching to the place of rendezvous of the army to intercept Cos. At that time there were only eighteen men in Gonzales capable of bearing arms, but they were determined not to surrender the cannon to the Mexican authorities. As a first step, they buried the cannon, and then moved the ferry from the river and hid it in a bayou above the town. All small boats were moved to the Gonzales side of the river, and a temporary breastwork was erected just below the regular crossing. The men formed themselves into a military company and elected officers. Fearing that the cavalrymen left on the outskirts of the town might spy on them, or receive reinforcements, three men went out to take them in custody. One of the Mexicans evaded capture, however, and rode as fast as he could in the direction of San Antonio. The others were brought into town as prisoners of war.

On October 1, a force of Mexican cavalry of about one hundred men, under command of Capt. Francisco Castaneda, appeared before Gonzales on the opposite side of the river, and renewed the demand for the cannon. The Mexican officer first asked that the ferry be sent over in order that he might cross, but this was refused. He was told that if he had written authority to demand the cannon, he could send it over by a messenger who could swim across. This suggestion was adopted. By this time the men in Gonzales had been

reinforced by the arrival of about eighty or a hundred colonists from along the Colorado, but Albert Martin, who had been elected captain by the citizens of the town, acted as spokesman. The order sent across the river by Castaneda was addressed to the alcalde, and Martin, in order to cause as much delay as possible, informed the Mexican that Ponton was absent from the town and would not return until evening. After some parleying, Castaneda withdrew to a point about half a mile from the ferry. From time to time he sent detachments past the town, as if to impress the Texans with their formidable character, but each such demonstration was met by taunts from the other side of the river. Finally, he moved still further up the river and encamped for the night, apparently to await reinforcements. His men are said to have amused themselves during the night ravaging the watermelon patch of a near-by colonist.

Meantime, the Texans at Gonzales spent the day organizing. John H. Moore was elected colonel and J. W. E. Wallace lieutenant-colonel, and preparations were made to attack the Mexicans at daylight next morning. The cannon in dispute was dug up and mounted on heavy wagon wheels, while improvised cannon balls were manufactured at Sowell's blacksmith shop out of old pieces of chain and scraps of iron. Finally, a flag was designed, a picture of the cannon being drawn on a breadth of white cotton cloth about two yards in length, with the challenging legend, "Come and Take It" lettered underneath. Thus equipped, the Texans crossed the river during the night, and about four o'clock in the morning began a march

in the direction of the Mexican camp. Just before daybreak the pickets of the enemy were encountered, thus arousing the Mexicans from their slumber to a consciousness that they had a fight on their hands. There was a dense fog, however, and the Texans formed in order and waited for daylight.

As soon as the fog had cleared the Texans advanced for battle into an open prairie to a point within about three hundred and fifty yards of the Mexicans, who occupied a position on a "commanding eminence." At this point the Texans opened fire with the cannon, and at the first shot the Mexicans retired further away and Castaneda proposed a parley. By arrangement, Colonel Moore and Castaneda met in the field half way between the two armies. Castaneda demanded to know the reason he was being attacked. Colonel Moore replied that Castaneda had made a demand for the cannon, and had threatened, in case of refusal to give it up, that he would take it by force. This cannon, Colonel Moore explained, had been presented to the citizens of Gonzales for the defense of themselves and of the constitution and laws of the country, and he, Castaneda, "was acting under the orders of the tyrant Santa Anna, who had broken down and trampled under foot all the state and federal constitutions of Mexico, excepting that of Texas, and that the Texans were ready to fight for their rights under the constitution of 1824 until the last gasp." Castaneda replied that "he was himself a republican, and that two-thirds of the Mexican nation were such, and that he was still an officer of the federal government, although that government had undergone considerable changes; that, the majority

of the states having decided upon that change, the people of Texas were bound to submit to it; that he did not wish to fight the Anglo-Americans of Texas; that his orders from his commander were simply to demand the cannon and, if refused, to take up a position near Gonzales until further orders." Colonel Moore then proposed to Castaneda, if such were his sentiments, to surrender, with the troops under his command, and join in the defense of the constitution, promising he would be received with open arms. But Castaneda replied that he would obey orders. Thus the conference ended.

Colonel Moore returned to the Texas line and ordered an attack. He opened fire with his cannon and advanced in double-quick time. The Mexicans immediately fled from the field and retreated in the direction of San Antonio. Their loss was not ascertained, though one dead Mexican was left behind. The Texans suffered no injury. So it was that on October 2, 1835, the actual fighting of the Texas revolution began.

The news that trouble was brewing at Gonzales had been spread from settlement to settlement by hurrying couriers, and soon every available armed man was on his way to that place. The volunteers who were gathering for the purpose of intercepting Cos between Goliad and San Antonio, received the news just about the time that Castaneda was approaching Gonzales. The plan of the expedition against Cos was immediately abandoned and the rallying cry now became "On to San Antonio!" In a letter dated "Camp of the Volunteers, Friday night, 11 o'clock, October 2, 1835," they appealed to all Texans to repair without delay to Gonzales,

"armed and equipped for war, even to the knife!" This was signed by David Random, William J. Bryant, J. W. Fannin, Jr., F. T. Wells, George Sutherland, B. T. Archer, W. D. C. Hall, W. H. Jack, William T. Austin and P. D. McNeel. It was turned over to W. H. Wharton, who returned immediately to Brazoria to have it printed and circulated. Wharton also prepared an appeal of his own and, adding a letter received from Colonel Moore which the latter had written on October 1, after Castaneda's arrival, and which told of conditions at Gonzales, he printed the three in a broadside, under the caption:

"Freemen of Texas,
"To Arms!!! To Arms!!!
"Now's the day, and Now's the hour!"

"In accordance with the request of the Volunteers," wrote Wharton, "I proceed to inform you that I parted with them at midnight, on Friday last, under march to join their countrymen at Gonzales. They were to a man in excellent health and spirits. It is now ascertained that General Cos is in La Bahía. It is said that he has with him 800 pair of IRON HOBBLES for our benefit. If Texas will turn out promptly, he will be the first man to wear a pair of his own hobbles. In the language of the caption of this article, 'Now's the day and now's the hour.' Five hundred men can do more now than 5,000 six months hence. San Antonio can be starved into surrender in ten days, if there are volunteers enough to surround the town and cut off their supplies. The inhabitants seldom raise enough for their own consumption, and 800 troops being thrown upon them has brought the place to the door of starvation.

"Let all who can turn out, and that immediately. Let no one say that business detains him; for what business can be so important as to crush the enemy at once and thereby put an end forever, or at least for some time to come, to this unholy attempt to bring us under the yoke of Military Despotism, or to expel us from the country? If San Antonio is not taken, it will be a rallying point where they will in a few months concentrate thousands of troops. If it is taken, they will have no foothold among us, and the power of the nation cannot reestablish one.

"Fellow-citizens: There are many fighting our battles more from sympathy, and from a detestation of oppression than from any great pecuniary interest they have in the country. These generous individuals should be sustained and encouraged in their magnanimous efforts to render us a service. Arrangements are making in Brazoria and Matagorda to send them supplies of provisions and ammunition, etc. Columbia and San Felipe ought to and I have no doubt will do the same. If subscription papers are started the people will liberally contribute.

"Let me again implore you to turn out promptly and universally and repair to Gonzales. In this cause we will conquer, and that suddenly. Ours is no rebellious or revolutionary or voluntary warfare. It has been forced upon us. Justice, liberty, the constitution and the god of battles is on our side, and the proud and imperious Dictator, Santa Anna, will be made to feel and know from blood-fought experience that a people who have adopted the motto of their ancestors, 'Liberty or

Death,' will crush and laugh to scorn his tyrannic attempt to enslave them.

"This campaign will but little interfere with the Consultation which is truly indispensable to us at present. If the war is over they will assemble at the place appointed; if not, let the members equip themselves for battle, repair to the camp and in a short time they may enjoy the proud satisfaction of holding the Consultation within the walls of San Antonio. I will leave Brazoria for the camp at Gonzales tomorrow and would be glad that as many as could equip themselves by that time would bear me company. Those who cannot be ready by tomorrow should continue to prepare. Their services will be valuable, if they can join us even ten or fifteen days hence. I feel every confidence that there will be within a few days upward of eight hundred American Volunteers at Gonzales."

At San Felipe, Austin also sent out appeals that every man repair to Gonzales to join "the army of the people." He sent a letter to the committee of safety at Nacogdoches, together with copies of the original call to arms, asking that word be sent also to San Augustine, and that the documents be forwarded to Natchitoches to be printed in the newspapers of the United States.

"War is declared against military despotism," he wrote. "Public opinion has proclaimed it with one united voice. The campaign has opened. The military at Béxar has advanced upon Gonzales. General Cos has arrived and threatens to overrun the country.

"But one spirit, one common purpose, animates every one in this department, which is to take Béxar, and drive all the military out of Texas before the campaign closes.

"There are about three hundred volunteers at Gonzales at this time and there will be upwards of five hundred in a few days.

"It is confidently believed in this quarter that the people of the department of Nacogdoches will turn out and join the *Army of the People* now in the field and facing the enemy.

"Arms and ammunition are needed; we have more men than guns. Could not some muskets be procured from the other side of the Sabine? A few wagon-loads of muskets and fixed ammunition would be of the utmost service at this time. Could not volunteers also be had from the United States? Those who now step forward may confidently expect that Texas will reward their services.

"That distinguished and virtuous patriot, Don Lorenzo de Zavala, has just arrived from his residence on San Jacinto and is now here, at the house of the chairman of this committee. He also approves very much the position they have taken against military despotism, and of the circular of this committee of the 19th ult.

"This committee relies on you to forward copies of this communication to San Augustine and the other committees in that quarter, and also to send the enclosed papers (circulars of this committee of the 19th ult. and 3d inst. and public proceedings of other committees) to some printer in the United States for publication, in order that the public may be generally informed of the present state of affairs in Texas.

"An express has been sent to San Jacinto and Trinity. It would, however, be important for that committee

to communicate with the people of Trinity, and of Bevil's settlement, as it inspires confidence to know that the whole country is acting in unison, and with one and the same spirit and purpose. This, as I before observed, is to take Béxar, and drive the military out of Texas before the campaign closes."

The effect of Austin's appeals to the people of the department of Nacogdoches was to win over a large number who had previously held aloof from the little group of valiant adherents of the war party. Johnson and Baker, the messengers Austin had sent to that district several days before, later reported that "much division" was found to exist among the people when they arrived. "But the letters of Colonel Austin," they added, "and the actual invasion of the country had the happy effect of producing unanimity of sentiment and instant unison of action." A company of eighty men was equipped at Nacogdoches and promptly started for Gonzales; Johnson and Baker stopped at the house of Joseph Durst on the Angelina river. They remained there for nineteen days, using it as headquarters to arouse the country, and Durst cooperated whole-heartedly, forwarding messages to every part of the district, supplying horses without charge, and placing everything he owned at the disposal of Johnson and Baker.

At San Augustine a company of about eighty men, under the command of Col. Philip Sublett, was fitted out as promptly as possible and marched west to join the army. The scarcity of arms, ammunition and other equipment was a great handicap in this district. Johnson and Baker reported that although the district "can probably raise one thousand men, the difficulty of pro-

Sam Houston

curing horses, arms and the necessary equipment is so great that it is not to be expected that they will send a large force at once. Under all the circumstances we think they have so far done very well; and we have no doubt they will continue to do so, and that we may expect to be aided from that quarter as fast as the people can prepare. The committee of Nacogdoches were very active, being constantly engaged in procuring arms and horses and provisions; and they deserve the thanks of Texas. We had no opportunity of judging the committee of San Augustine, not having been there. The manner, however, in which the citizens have turned out manifests that they have done their duty."

The committee at San Augustine was indeed active. In the face of great difficulties this body, under the leadership of Colonel Sublett, united sentiment and equipped a company in a remarkably short space of time. Incidentally, this committee on October 6 adopted a resolution which subsequent events served to make of great significance, and when it is considered that, scarcely two months before, Sam Houston was hooted down at a public meeting at San Augustine, it serves to illustrate in striking fashion the rapidity with which sentiment had been reversed and crystallized. This resolution was as follows:

"Whereas, in the present emergency, organization and energy of action are necessary, and whereas we see the great necessity of a commander-in-chief of this department, for the purpose of issuing orders, raising troops, etc., and being well satisfied of the fitness, capacity and fidelity of General Sam Houston, for such station: be it therefore,

"*Resolved*, that we, with the concurrence of the Committee of Safety for the municipality of Nacogdoches, do hereby appoint the said Samuel Houston general and commander-in-chief of the forces of this department, vesting him with full powers to raise troops, organize the forces and do all other things appertaining to such office. And be it further

"*Resolved*, that said Houston be required to issue proclamations, and call for recruits, and to do all things in his power to sustain the principles of the constitution of 1824."

It was the first move of Houston's friends in the campaign to make him commander in chief of the Texas forces, and it was Houston's first step toward rehabilitation. Two days after the adoption of this resolution Houston, before leaving for the seat of war, issued from Nacogdoches the following call for volunteers:

"The time has arrived when the revolutions in the interior of Mexico have resulted in the creation of a dictator, and Texas is compelled to assume an attitude defensive of her rights and the lives and property of her citizens.

"Our oaths and pledges to the constitution have been preserved inviolate. Our hopes of promised benefits have been deferred. Our constitutions have been declared at an end, while all that is sacred is menaced by arbitrary power. The priesthood and the army are to mete out the measure of our wretchedness. War is the only alternative. *War in defense of our rights must be our motto!*

"Volunteers are invited to our standard. Liberal

bounties of land will be given to all who will join our ranks with a good rifle and one hundred rounds of ammunition. The troops of the department will forthwith organize, under the direction of the Committee of Vigilance and Safety, with companies of fifty men each, who will elect their officers; and when organized they will report to the headquarters of the army, unless special orders are given for their destination.

"The morning of glory is dawning upon us. The work of liberty has begun. Our actions are to become a part of the history of mankind. Patriotic millions will sympathize with our struggles, while nations will admire our achievements. We must be united—subordinate to the laws and authorities which we avow, and freedom will not withhold the seal of our approbation. Rally round the standard of the constitution, entrench your rights with noble resolution, and defend them with heroic manliness. Let your valor proclaim to the world that liberty is your birthright. We cannot be conquered by all the arts of anarchy and despotism combined. In heaven and valorous hearts we repose our confidence.

"Our only ambition is the attainment of national liberty—the freedom of religious opinion and just laws. To acquire these blessings we solemnly pledge our persons, our property and our lives.

"Union and courage can achieve everything while reason combined with intelligence can regulate all things necessary to human happiness."

So it was that Sam Houston assumed leadership in the department of Nacogdoches, and sounded the call to arms. Johnson and Baker found the people on the extreme eastern boundary of Texas, along the Sabine,

unresponsive. "We regret to have the mortification to state," they said in their report, "that the people on the Sabine have refused to aid the cause of Texas." But everywhere else they found at least a good percentage of the people aroused, and sufficient activity to raise and equip some kind of a force to march westward. At Bevil's settlement, south of Nacogdoches, a company of sixty men was started toward Gonzales early in October, and Johnson and Baker reported that "the people generally, through the country along which we passed, were preparing to come on." Fear of Indian depredations detained some in this section, however; but, as shall be seen in due course, this fear was removed by negotiations with the Indians.

If one could have had a bird's-eye view of Texas during those early October days it would have presented the spectacle of a people aroused, and little companies of men would have been seen riding toward one point—Gonzales—where the army which was to advance against San Antonio was being organized. It must always be kept in mind, if the picture is to be true, that there were many who took no part in all this excitement and preparation, but this should serve to emphasize the patriotism of those leaders who labored incessantly to arouse the people to the seriousness of the situation, and the great number who responded to their appeals. All of Anglo-American Texas was appealed to, and from all sections there was response. As early as September 13 the San Felipe committee pointed out that the people of Red river, in Pecan Point country, should be included in the consultation, though they were not within the borders or legally under the juris-

diction of any of the three governmental departments into which Texas was divided. "They are Texans," declared the San Felipe committee, "and their interests and rights are identified with those of all Texas." When the wide distances which separated the settlements in Texas are considered, and the difficulty of communicating with each other, the wonder is not that some held back, but that Texas became united to so great an extent in so short a time. The army that was being formed at Gonzales was being recruited from every remote section. Little companies of men rode great distances in response to the appeals that hurrying couriers carried from settlement to settlement. And while this army was being brought together—a few men from here and a few from there and a few more from yonder—a compact body of four hundred well-armed and well-equipped men was moving from Goliad to San Antonio along the old La Bahía road. Cos arrived at Goliad on October 2, the very day that Castaneda and his cavalrymen began their ride back to San Antonio from Gonzales. Receiving the news of the trouble at Gonzales, Cos left Goliad on October 5 and, while the Texans were arming themselves and proceeding to the "seat of war," he was moving his army to reinforce Ugartechea at San Antonio. He was four days on the way, for it was not until Friday, October 9, that he reached his destination. He left a quantity of military supplies at Goliad, guarded by about thirty men under the command of Colonel Sandoval. Cos had hardly arrived at San Antonio, however, when he received the news that a company of Texans had taken Goliad, capturing Colonel Sandoval and his men,

and that his store of military supplies, including about two hundred muskets, two pieces of artillery and a quantity of ammunition, would be used to equip the Texas army.

This news, so disastrous to Mexican ears, and so glorious to those of the Texans, was the precise truth. For not all the armed volunteers had started for Gonzales. Capt. George Collinsworth, of Matagorda, learning shortly after Cos's departure from Goliad that the old mission that served as a fort there was manned by only thirty men, decided to attack it. Accordingly he raised a force of about forty or fifty men at Matagorda and Caney and started for Goliad. He reached the San Antonio on the night of October 9, and sent scouts ahead to reconnoiter. The scouts reported that everything was quiet and the Mexicans were entirely unaware of their approach. But they reported something else as well. They brought into camp old Ben Milam, whom they had suddenly come upon in the darkness, and who was received as one returned from the grave. Milam, it will be recalled, was arrested with Governor Viesca, after the latter had fled from Monclova in May, and had been left in prison at Monterey when Viesca was moved to Saltillo. He had been in prison ever since but, with the assistance of friends among the Mexicans, who supplied him with provisions, he had escaped some time before and traveled day and night over the trackless prairie from Monterey. He had reached the San Antonio river near Goliad the night Collinsworth and his men planned to attack that place, and had hidden himself in a mesquite thicket to rest and get some sleep before continuing on his way to

the American settlements. When he heard the approach of Collinsworth's scouts, his first thought was that they were Mexicans from the fort at Goliad, and he prepared to defend himself. Overhearing two of the scouts exchange a few words, however, and recognizing by the language that they were not Mexicans, he was overjoyed and immediately made his presence and identity known to them. He was given a hearty reception by the Texans and invited to join the expedition. Milam was delighted to learn that the colonists were in arms against the central government, and readily agreed to take part in the attack.

Collinsworth first sent a deputation, composed of Juan Antonio Padilla, P. Dimmitt, Dr. Erwin and Milam, into the town to demand of the civil authorities that it be surrendered. This was about 10 o'clock. An hour later the deputation returned with the information that they would have to fight, and the little party of Texans advanced. The attack was made directly on the main doors of the church, in which the garrison was quartered, and which were bolted. Battering down the doors with axes, Collinsworth and his men forced their way into the building, and after a few minutes the Mexicans surrendered. One Mexican was killed and three wounded, and twenty-one prisoners, including Colonel Sandoval and three other officers, were taken. The Texans had only one man wounded. Goliad, the key to San Antonio from the sea, was in the hands of the Texans, and Cos was bottled up and cut off from supplies from that direction.

Meantime things had been happening at Gonzales. When Castaneda returned to San Antonio and reported

to Ugartechea what had occurred there, the latter decided to appeal to Austin, as the most influential man among the colonists, to make an effort to avoid an irreparable break. Accordingly he addressed a letter to Austin and sent it by courier to Gonzales, to be forwarded to San Felipe. In it he said that he desired peace, but the proscribed men must be surrendered and the cannon turned over. Castaneda, he said, had not retired from Gonzales through fear, but in obedience to his orders to avoid trouble pending a reply from the political chief of the department of the Brazos with respect to the delivery of the cannon.

"A report was made to me of that event," he wrote, "and that, besides the citizens of Gonzales, three hundred men from San Felipe had collected, and as I did not wish to see his small force compromitted, I ordered it to withdraw, and shall march tomorrow, with the knowledge of the Commandant General, with a force of every description of arms, sufficient to prove that the Mexicans can never suffer themselves to be insulted.

"There are in the colony some individuals who, like yourself, know me to be frank in my proceedings, and also that I possess the character and energy characteristic of my country. I may therefore assure you that if you make use of your influence with the political chief to have the gun delivered up to me, wherever it may meet me—from that spot I will return immediately; if it is not delivered I will act militarily, and the consequences will be a war declared by the Colonists, which shall be maintained by the Government of the Nation with corresponding dignity. . . .

"I am convinced of your good sentiments in favor

of your adopted country, notwithstanding your sufferings, and have no doubt that in favor of that country you will continue to make fresh sacrifices and cooperate effectively in removing the evils which threaten, for which important purpose you may reckon upon me for the use of my influence with the Supreme Government and with the Commandant General, and I can assure you, if peace should be sincerely established and unalterably so, the introduction of troops will be dispensed with. I am your friend; likewise a friend of the colonists; if I have been sometimes obliged to fight with them, it was in absolute fulfillment of my duty, but in personalities I have always treated them as a gentleman should, both before and after fighting with them. I have observed the same conduct with as many as have entered into this city, where they still remain, notwithstanding they have not behaved well in Gonzales toward the Mexicans."

No doubt Ugartechea was sincere in his profession of friendship for the colonists, but this very fact serves to illustrate the peculiar psychology of the Mexicans in relation to all things concerning the Anglo-Americans. To him it was disloyalty to their adopted country for the colonists not to blindly accept the violent overthrow of the federal system. There was hardly a prominent Mexican in the country who had not at some time taken up arms against some existing government on the ground that he was acting in the interest of the country. But for an Anglo-American to do anything of the sort was treason. The Anglo-Americans had been granted full citizenship, to be sure, and theo-

retically were part of the Mexican people, but the Mexicans, even when friendly in the sense that Ugartechea was friendly, continued to regard them as aliens. Ugartechea could see no reason why they should not accept the change in government, and regarded those who resisted as having only one object in view—that of separating Texas from Mexico. He considered their professions of allegiance to the constitution of 1824 as an excuse and not a reason for their resistance. No doubt he sincerely believed that he was acting generously when he proposed that no soldiers would be sent into Anglo-American settlements if the "agitators" were taken into custody, the gun at Gonzales delivered to the authorities, and peace restored by the colonists themselves. That he should address such a letter to Austin at all proved that he had no appreciation of the latter's point of view.

When the courier arrived at Gonzales with Ugartechea's letter, the part of its contents which was regarded there as chiefly of significance was that which announced that the Mexicans intended to advance on Gonzales. Immediately a number of leaders among the volunteers decided to send a communication to Austin by the same messenger who would take Ugartechea's letter to him, inviting him to come immediately to Gonzales. This letter was signed by Peter W. Grayson, Patrick C. Jack, J. W. Fannin, Jr., Thomas P. Gagsley, J. W. E. Wallace, John J. Linn, S. R. Miller and A. Pallard. It was dated at midnight, October 6, and was as follows:

"You will receive important dispatches by the bearer,

that Colonel Ugartechea and probably General Cos are now on their march here with all their forces to take the gun if it is not delivered.

"You will see by Ugartechea's letter to you he proposes some sort of compromise. That will give us an opportunity to entertain him a little while, upon the suggestion that you be sent for, while we get in more men. We who subscribe this request you earnestly to come on immediately, bringing all the aid you possibly can. We want powder and lead. Do all you can to send on instantly as much as possible."

Having dispatched this letter to Austin, the captains of the various companies which had arrived at Gonzales set about the task of creating some central authority to direct the operations of the army. It was reasoned that if Ugartechea should carry out his threat to start for Gonzales the day after he wrote to Austin, the Texans would soon have to fight. On the morning of October 7, therefore, the captains held a consultation and adopted a resolution providing that each company should elect one member to serve on a "board of war." This plan was immediately carried into effect, and eight companies each named one man to constitute the board. The first meeting was convened before night, the members elected being Peter W. Grayson, Pleasant D. McNeel, James S. Lester, Jesse Burnam, Albert Martin, Thomas Kinney, Francis M. White and W. P. Smith. Grayson was elected president and Smith secretary, and the following resolution was adopted:

"*Resolved*, That an immediate organization of the army take place, and that all the troops be concentrated at Gonzales, under the command of Colonel John H.

Moore and Lieutenant-Colonel J. W. E. Wallace, and that Colonel Moore be required to report to this board with as little delay as possible the strength of the army, the names of the captains, with the force comprising their respective companies; also the quantity of ammunition on hand."

Next day the board met again and directed the quartermaster to provide the army, as quickly as possible, with wagons, teams, beeves, meat, axes, spades, shovels, hoes and other supplies. At this meeting Dr. J. B. Miller, having been elected a member from the Washington company, which had just arrived, appeared and took his seat. A camp ground for the army having become necessary, the offer of Eli Mitchell of his cornfield, adjoining the town, for this purpose was accepted. Late in the afternoon news was received that a detachment of Mexicans had appeared in the vicinity of Victoria, and the board directed that one hundred men, under command of Maj. Ben F. Smith and Captain Alley, be immediately sent to that place. Then the board adjourned to meet again at the call of the president.

Volunteers continued to arrive, and there was soon manifest among the men a desire for reorganization of the army on a permanent basis. "This subject," writes W. T. Austin, who was present with the army at Gonzales, "gave rise to discussion and great excitement as to the mode of organizing, and who should be placed in command." This created a condition of disorganization in the army, and the members of the board recognized that something must be immediately done to check it. The board met, therefore, on the

morning of October 11 and, after discussing the situation, it was decided to order the election of a commander in chief of the army. The text of the resolution was as follows:

"*Resolved*, That an election for commander in chief take place this evening at four o'clock, and that the colonel commanding be requested to notify the captains of the companies of this resolution, and require them to hold an election in their respective companies at the time specified in this resolution, and make return forthwith to this board."

It was provided that the board would meet at five o'clock to receive the returns. W. T. Austin relates how this election threatened for a little while to disrupt the army, and how a condition of chaos was averted.

"Immediately upon the election being announced to the army," he writes, "great excitement prevailed among the volunteers, those from different sections each having in view their sectional favorite to command, while many aspirants with their friends were industriously engaged in electioneering. The effect was that camp politics began to rage to an alarming degree; so much so that many declared that in the event of the defeat of their favorite they would instantly return to their homes, as they were unwilling to serve under any others.

"This state of feeling was caused by the volunteers having been hastily assembled together from extreme parts of the country; hence they were strangers to each other, consequently a great lack of confidence existed. Great fears were therefore entertained during the early

part of the day that the army would break up in confusion, which state of things was truly deplorable, inasmuch as it was likely to give the enemy a decided advantage at the outset of the revolution.

"Fortunately for the country, Colonel Stephen F. Austin reached the army in the midst of this excitement, about the hour of one o'clock P. M. His arrival was clamorously and joyously hailed by the whole army; he was favorably known to the army generally and in him full confidence prevailed. With a view therefore to harmonize the camp and dissipate the dreadful spirit of rivalry which had existed throughout the day, the name of Colonel Stephen F. Austin was at once proposed for the command."

Austin had no desire to be commander in chief, for he was conscious of the fact that he had no military experience, and his health had been failing ever since his imprisonment in Mexico City. He had ridden through a pouring rain from San Felipe, and was in an exhausted condition when he arrived at Gonzales. But when he was told of the condition in the army, and of the declarations of some of the men that they would return to their homes if their particular candidate for commander in chief was not elected, he immediately set about to do everything in his power to restore unity. He addressed the volunteers, and declared that there was no turning back now. "Retreat is now impossible," he said. "We must go forward to victory or play the part of traitors." He referred to his own enfeebled condition, which was apparent to all, and declared: "I will wear myself out by inches rather than submit to Santa Anna's arbitrary rule."

The plan to make Austin commander in chief was immediately taken up by the leaders, who recognized the need of restoring harmony. Noah Smithwick, who was one of the volunteers, says that "John A. Wharton was especially active in his advocacy of Austin, on the ground of expediency. Said he: 'Austin can come nearer uniting the people than any other man and, furthermore, it will give us better standing abroad.'" Considering that Austin and the two Whartons had been personal and political enemies for years, and had not been on speaking terms for some time, this illustrates in striking fashion the spirit of the moment and the character of the situation which existed at Gonzales. In this connection an incident occurred shortly after Austin's arrival at Gonzales which also was significant. He was quartered in a log house in the town and, worn out from his hard ride, was resting on a blanket when he heard two new arrivals enter the next room. They proved to be William J. Russell and William H. Wharton. It will be recalled that William H. Wharton had written a memorial in Austin's behalf to the Mexican government when the latter was in prison, and Austin had been very much affected by this act of a man he regarded as his enemy. He had not seen Wharton since returning to Texas, but he had told his brother-in-law, James F. Perry, who lived in the same district as the Whartons, to be sure to see that one of them was elected to the consultation. On September 14 he wrote to Perry from San Felipe, reminding him of this. This was in keeping with the attitude he had previously expressed in writing to Perry from Mexico City. "If we do not shake hands as

friends in the future," he wrote, referring to William H. Wharton, "it will be his fault, not mine." Now the two men were about to come face to face under the same roof. Hearing that Austin was in the next room, Russell turned to Wharton and suggested that there should be a reconciliation between them. He asked permission to go in and speak to Austin about it, to which Wharton readily assented. Austin was equally willing to forget past differences, and so Wharton went directly to him and the two men shook hands. Thus did these two leaders of factions give an example of unity to the volunteers.

Austin was reluctant to accept command of the army, but he felt he had no choice. "He plainly saw the unhappy state of affairs in the army," says W. T. Austin. "Although he felt conscious of his feeble health, affecting his physical competency to discharge the duties of commander in chief of the army with that efficiency and promptness which were desirable, he was nevertheless convinced that the peculiar state of affairs in camp left him without choice as to what course he would pursue, feeling ready at all times to make any personal sacrifices when duty to the country required it to be done; all of which considerations induced him to permit his name to be announced to the army as a candidate for commander in chief of the volunteer army of Texas." This nomination, he adds, "was so acceptable generally as to have the effect to unite all parties and completely put an end to excitement and opposition." Austin was elected unanimously by every company.

Edward Burleson

P. W. Grayson, president of the council of war, after that body had canvassed the returns, sent the following official notification to Austin:

"QUARTERS OF THE COUNCIL OF WAR,
"October 11, 1835.

"Colonel Stephen F. Austin:

"Sir—I am instructed to inform you that an election was held in the army at four o'clock of the present day for commander in chief of this army, pursuant to an order which was issued today by this council, calling upon the captain of each company to hold an election in his respective company and make due returns thereof to this council.

"And that by the returns made to this board of the election held in the different companies it appears that you have been chosen, without opposition, commander in chief of the volunteer army of Texas, now in the field. The members of this board take this occasion to congratulate you on the high office to which you have been called, relying in common with all our fellow-citizens upon the skill and courage with which you will endeavor to conduct the campaign to the desired end.

"I am, with the highest respect, your friend and fellow-citizen, "P. W. GRAYSON,
"*President of the Council.*

"WILLIAM P. SMITH, *Secretary.*"

Austin immediately assumed command of the army and announced that a general muster and inspection would take place next morning, after which the march to San Antonio would begin. He also announced the appointment of Warren D. C. Hall as adjutant

and inspector-general, of David B. McComb as assistant adjutant and inspector-general, and of Peter W. Grayson as aide-de-camp. He completed the selection of his staff during the next two days, and it was significant of the new state of things that he named William H. Wharton on it in the capacity of judge-advocate. Other members of the staff were William P. Smith, surgeon-general; Patrick C. Jack, quartermaster-general; Valentine Baker, assistant quartermaster-general, and William T. Austin, second aide-de-camp. An election of field officers resulted as follows: J. H. Moore, colonel; Edward Burleson, lieutenant-colonel, and Alex. Somerville, major. William H. Jack was appointed brigade-inspector.

In his first general order, Austin took occasion to remind the volunteers that obedience is the first duty of the soldier. Every one of them, he said, was fully informed of the character of the cause he was defending. "It is the cause of the Constitution and of freedom," he said, "the cause of each man individually and of Texas collectively. Our prosperity and happiness will depend on the issue of the present campaign. Everyone feels its importance, and it is unnecesary to appeal to the patriotism of the army. But the commander in chief deems it his duty to remind each citizen soldier that patriotism and firmness will avail but little, without discipline and strict obedience to orders. . . . It is expected that the army of the people, although hastily collected, will present an example of obedience that will do honor to the cause we are engaged in, and credit to the patriots who are defending it."

The news of the capture of Goliad was received shortly before noon on October 12, and Austin immediately dispatched to Captain Collinsworth instructions to retain possession of the fort there. At the same time he ordered Capt. Ben F. Smith, who had gone on from Victoria to reinforce Collinsworth at Goliad, to return with his men to the main army to participate in the campaign against San Antonio. His dispatch to Collinsworth contained the following significant passage: "You understand that the position taken by the people of Texas is to support the Federal Constitution of 1824, and to oppose Centralism. It is understood that the people of Goliad and Victoria are in favor of the same cause we are defending. You will therefore spare no pains to inform them of our principles, and get them to pronounce for the same cause and elect members to the consultation."

The army crossed the Guadalupe on October 12, and the next day began the march toward San Antonio. Before leaving, General Austin (for such was now his rank) dispatched an urgent appeal to the committee of safety at San Felipe to hurry forward reinforcements and supplies as rapidly as possible. "On this day," he wrote, "the volunteer troops of Texas will take up the line of march for Béxar. The whole number of the force here does not exceed 300 men. We have hope to be joined by a part of the detachment at Goliad, as an express has been sent to them to join us on the road. But some casualty may by possibility prevent this, as Captain Collinsworth has been ordered not to abandon the fort at that place. I have therefore to request that you will use every exertion to press on the volun-

teers who may come up with us in time to give us important, perhaps indispensable, aid in the attack on San Antonio.

"Fail not to use any possible exertion in this respect, I beseech you. If there is any intelligence of troops coming from Nacogdoches let an express be dispatched to them immediately, urging them to hurry on by forced marches to join us. . . .

"Let me request you further to send on without delay wagons with what ammunition you can procure for cannon and small arms—powder, lead, etc.—also provisions such as meat, beans, sugar and coffee, and whatever else you may judge necessary for the troops."

On the same day Dr. James B. Miller was sent to San Felipe with three of the Mexican officers captured at Goliad, who had been conducted to Gonzales by Ben Milam, and Austin gave strict instructions that they be courteously treated. These officers were Col. Francisco Sandoval, Capt. Manuel Savariego and Ensign Antonio Garza. Captain Savariego had a family at Goliad and, inasmuch as he had pronounced for federalism on occasions in the past, and was known to be a man of liberal principles, it was decided to parole him on his honor, all of which Austin communicated to the committee at San Felipe. Austin wrote that Savariego was being sent to San Felipe "that he may have an opportunity to talk with Mr. Zavala, and receive from him an explanation of the cause we are defending, which is the Constitution of 1824 and the Federal System. He says that the general opinion is that Texas has declared independence, and that this opinion prevents the Mexicans from joining us."

"The Constitution of 1824 and the Federal System!"—that was the battle cry of the moment. It was the platform that practically all the local meetings throughout Texas had declared for, and the one calculated to unite the largest number of the colonists. To Austin it was the proper legal basis for resistance of the introduction of troops by the central government into Texas, and the battle cry which might be expected to rally the federalists in other Mexican states to resistance. The central government already was preaching a race war against the colonists, declaring that their purpose was to dismember the republic and alienate Mexican territory. It was appealing to the patriotism of the Mexicans to resist a foreign encroachment and attempting to rally the whole Mexican nation against the Texans. Austin proposed to defeat this purpose of the central government and at the same time to set forth a program which could be defended successfully before the bar of international opinion. That he was already convinced that the ultimate destiny of Texas was to separate from Mexico is proved by his letter to his cousin, written at New Orleans in August. But he was determined that such separation should have absolute legal foundation when it came. Moreover, if San Antonio could be taken and Mexican troops banished from Texas, and at the same time the federalists of other sections of Mexico aroused to resistance, so as to occupy the central government elsewhere, the rights of the colonists could be preserved with a minimum loss of life and a minimum cost. Then a large immigration from the United States would "ripen the peach."

But the immediate task ahead was to take San Antonio and banish the Mexican troops from Texas, and with this end in view Austin and his volunteer army of three hundred men left Gonzales on the thirteenth day of October.

CHAPTER XXXII.

"ON TO SAN ANTONIO!"

"WORDS are inadequate to convey an impression of the appearance of the first Texas army as it formed in marching order," writes Noah Smithwick, who was one of the volunteers who followed Austin out of Gonzales on the way to San Antonio. "Nothing short of ocular demonstration could do it justice. It certainly bore little resemblance to the army of my childhood dreams.

"Buckskin breeches," he continues, "were the nearest approach to uniform and there was wide diversity even there, some being new and soft and yellow, while others, from long familiarity with rain and grease and dirt, had become hard and black and shiny. Some, from having passed through the process of wetting and drying on the wearer while he sat on the ground or upon a chunk before the fire with his knees elevated at an angle of eighty-five degrees, had assumed an advanced position at the knee, followed by a corresponding shortening of the lower front length, exposing shins as guiltless of socks as a Kansas senator's.

"Boots being an unknown quantity, some wore shoes and some moccasins. Here a broad-brimmed sombrero overshadowed the military cap at its side; there the tall 'beegum' rode familiarly beside a coonskin cap, with the tail hanging down behind, as all well-regulated tails should do. Here a big American horse loomed

above the nimble Spanish pony ranged beside him; there a half-broke mustang pranced beside a sober, methodical mule. Here a bulky roll of bedquilts jostled a pair of 'store' blankets; there the shaggy brown buffalo contrasted with the gaily checkered counterpane on which the manufacturer had lavished all the skill of dye and weave known to the art—mayhap it was part of the dowery a wife brought her husband on her wedding day, and surely the day-dreams she wove into its simple folds held in them no shadow of a presentiment that it might be his winding sheet. In lieu of a canteen, each man carried a Spanish gourd, a curious specimen of the gourd family, having two round bowls, each holding about a quart, connected by a short neck, apparently designed to adjust a strap about. A fantastic military array to a casual observer, but the one great purpose animating every heart clothed us in a uniform more perfect in our eyes than was ever donned by regulars on dress parade.

"So, with the Old Cannon flag flying at the head, and the 'artillery' flying at the heels of two yokes of long-horned Texas steers occupying the post of honor in the center, we filed out of Gonzales and took up the line of march for San Antonio. Our pride in our artillery soon began to wane. We had to take turns riding in its rear, and the slow pace of the oxen ill accorded with our impatient zeal. Sometimes, when the forward column opened a rather wide gap, we prodded up the oxen with our lances (the only use that was ever made of them) until they broke into a trot and the old trucks bumped and screeched along at a lively gait till the gap was closed. But rapid locomo-

tion was not congenial to them (the wooden trucks); they protested by groans and shrieks and at length began to smoke; we poured on water, but our way lay across a high prairie where no water was obtainable, and our supply was limited to the contents of our gourds, a quantity totally inadequate to quench their insatiable thirst. We tried tallow, the only lubricator at hand, but that failed of relief, and finally, after all the trouble we had brought upon ourselves in its defense, the old cannon was abandoned in disgrace at Sandy Creek before we got half way to San Antonio, and the Mexicans might have taken it with impunity. It had played its part, that of inaugurating the revolution. I never saw nor heard of it again."

While on the march, Austin did everything possible to convert this body of raw recruits—every one of them an unshackled individualist—into a disciplined army. On October 14 he issued a general order embodying the general regulations for the government of the army, and from time to time he added to these as experience dictated. He decreed that every man must attach himself to a company, and that companies should be composed of not less than thirty nor more than seventy men. On this basis he reorganized the whole force. He organized a spy company, and placed Ben Milam in command of it, and sent it ahead of the main army to reconnoiter. His order book, which is still preserved, shows that during this period his time was occupied almost entirely in establishing a well-ordered routine and in impressing upon his men the importance of maintaining it.

On October 16 the army reached Cibolo creek, where

Austin ordered a halt to await the arrival of Capt. Ben F. Smith and his force, and to permit other volunteers believed to be en route to overtake them. He dispatched a messenger back to hurry forward any troops that might be met on the way, and to go to San Felipe with a message to the committee to the same effect. Word was received from Milam that he had discovered the trail of the enemy's cavalry about ten miles away, which indicated that Cos was aware of the movement of the Texans. Austin transmitted this information to the committee to show the urgency of reinforcements.

At San Felipe a few men were doing all they could to maintain some kind of civil organization in support of Austin's operations, and to arouse the country to the seriousness of the situation. When Austin left San Felipe for Gonzales on October 8, most of the members of the local committee there went to join the volunteers too, and in the meantime only two committees of other municipalities had responded to his appeal to send a representative to sit as a member of a permanent council. R. R. Royall had come on from Matagorda, and Joseph Bryan had been sent by the committee at Liberty. In this situation it became necessary to organize the permanent council at once, and the remnant of the San Felipe committee, together with Royall and Bryan, set about this task immediately after Austin's departure. Royall was elected to take Austin's place as president, and it was resolved that thereafter "all business be transacted in the name of the Permanent Council of Texas." In response to Austin's appeal for reinforcements and supplies, which he had

dispatched at the moment of starting from Gonzales, this newly organized committee, or council, appointed Capt. William S. Hall as "contractor of the army of the people," and instructed him to begin at once to collect supplies for the forces under Austin. He was empowered to seize property of any kind that might be needed for this purpose, when he could not procure it in any other way. At the same time Royall issued the following appeal to the people:

"Fellow Citizens: Colonel Austin has written for more help, help, help! He took up the march to San Antonio on the 13th and wrote for help, help, help! He fears being forced into a fight before the Nacogdoches troops arrive. Fellow citizens, you have false reports among you. I pledge my head for the truth of what I write when I say to you that your countrymen are in danger and have written here for help, and that in a few days. Your immediate assistance may save our troops and our country. I would gladly be in the field, but cannot be permitted to leave San Felipe. Turn out! Turn out, and that hastily! Repair to the camp!"

Royall frequently wrote to Austin, assuring him that everything was being done to arouse the people, and that cannon were being moved from Harrisburg and Matagorda to be sent on to the army. The truth is, however, that after the first rush of volunteers to Gonzales, there was very little response to the appeals of the council urging men to join the army. Indeed, there was criticism of the campaign against San Antonio. In the circumstances, therefore, the council did the best it could.

On the same day that the army reached Cibolo creek, about thirty delegates to the consultation gathered at San Felipe. Royall called them together, and laid before them a resolution which had been adopted by delegates-elect with the army, the purport of which was to request that the consultation be postponed until November 1, and that as many as possible hasten to join the army at San Antonio. This request was complied with and, after authorizing the continuance of the permanent council until the consultation should meet, and providing that delegates remaining at San Felipe should cooperate with it in the very necessary work it was doing, this preliminary meeting of the consultation adjourned until November 1, or as soon thereafter as a quorum could be obtained. A number of the delegates, including Sam Houston, who had been elected a delegate from Nacogdoches, departed immediately to join the army.

Meantime Austin and the army waited at Cibolo creek for the arrival of Smith and his men and other hoped-for reinforcements. After establishing camp at that point, Austin called his officers into a council of war and proposed that a communication be sent to Cos asking him to receive an officer under a flag of truce to set before him the reasons for which the Texans had taken up arms, and the terms upon which they would lay them down. Austin had just received a letter from Cos, written at Goliad, in which the Mexican commander had remonstrated with him over the situation and called upon him to use his influence to quell the disturbed condition in Texas. Austin proposed to the

council of war to reply to this by asking Cos to receive an officer and, by presenting a statement of reasons for taking up arms, thus put the central government officially on notice of the true character of the struggle they had undertaken. Austin's proposal was approved, and accordingly he dispatched the following communication to the Mexican commander, in the Spanish language:

"TEXAS DIVISION OF THE FEDERAL ARMY.

"Desiring to avoid the sad consequences of the civil war which unfortunately threatens Texas, I wish to send your excellency an officer with a flag in order to open a negotiation with you which I hope will result in the reestablishment of peace and confidence in Texas. Consequently I hope your excellency will be pleased to tell me that the said officer will be received in the capacity indicated, with corresponding guarantees for his escort of six or eight men. He will carry a white flag in order that they may be recognized, and the same flag will be respected by the troops of my command.

"God, Federation and Liberty. Cibolo, October 17, 1835.

"S. F. AUSTIN.

"Martin Perfecto de Cos."

At the same time Austin wrote a personal note to Cos—marked "unofficial"—in which he acknowledged receipt of the letter from Goliad and informed him of the official communication sent by the same messenger. "I can not doubt," he wrote, "that thus will be opened the way for the satisfactory adjustment of all the affairs

of Texas. This is my desire, and I will contribute to the attainment of so important an object to the extent that my duty will permit."

Austin had no real hope that an adjustment could be made, but it would be an absolute reply to the Mexican charge that the colonists were in arms to dismember Mexico if a declaration in favor of the constitution of 1824 could be formally presented by the Texans and rejected by Cos. Moreover, if negotiations should result they would cause delay, during which the reinforcements Austin was expecting would have time to arrive. The plan failed, however, for Cos, probably suspecting the purpose of the move, refused to receive the communications, declaring that he could hold no converse with rebels.

The army remained at Cibolo Creek four days, during which very few volunteers arrived. A company of thirty native Mexican *rancheros*, under command of Placido Benavides, the alcalde of Victoria, joined the Texans here, and being well acquainted with the surrounding country they proved of great service as express-riders and guides for foraging parties. It was while the army was encamped at Cibolo Creek that the first skirmish with the enemy occurred. Lieutenant Bull and three scouts came suddenly upon a scouting party of ten Mexicans about three miles from camp and, regarding them as a little too many for his small party, Bull ordered a retreat. Being encouraged by seeing the Texans give ground, the Mexicans pressed boldly forward. The four Texans continued to retreat and the ten Mexicans quickened their advance. Finally, when the parties were about fifty yards apart, Bull ordered

his companions to about-face, halt and stand, which took the Mexicans so completely by surprise that they fired their guns wildly in the air and then wheeled their horses about and fled. Bull pursued them about two miles and then returned to camp with the news. It had a very happy effect upon the army and was taken as a good omen.

Captain Ben F. Smith and his men arrived on the 19th and the army resumed its march immediately. Its destination was a strong position on Salado Creek, about five miles from San Antonio, which had been selected by a scouting party, and where Austin proposed to halt and await reinforcements. Before leaving Cibolo, however, Austin detailed Dr. Asa Hoxey "to return to the colony for the purpose of taking measures to bring on to the army with all possible dispatch the cannon and ammunition that it is believed may be now on the way, and as much more of the latter for cannon as can be possibly procured." Austin's order set forth further that "he is required to accelerate their progress by all the means in his power, and to effect this object he is authorized to hire or press horses, wagons and whatever else may be necessary." Then, when the army arrived at Salado Creek, about daylight of the 20th, Austin sent a dispatch back addressed "to all the volunteers on the road," which read as follows:

"The army took up this position early this morning. The enemy's outposts retired before our spies and advance, without loss on either side. This position is within less than five miles of Béxar. The enemy's outposts are in sight on the top of the hill between this and Béxar. The reinforcements are specially ordered to push

on by forced marches. On this side of the Cibolo they ought to march in companies of not less than ten or fifteen."

During the march to Salado Colonel James Bowie joined the army, and Erasmus Smith (known as "Deaf" Smith) came into camp shortly after the army's arrival. Bowie had left San Antonio, which had been his home for years, a short time before, and was well acquainted with conditions in the town. Smith was also a resident of San Antonio, and was returning after a few days' absence. As he had approached the Mexican lines, however, he had been fired on by their pickets, and he had then made his way to the Texans' camp. He was a valuable addition to the scouting forces, for he knew every inch of San Antonio and the surrounding country.

Circulars in the Spanish language, setting forth the fact that the Texans had taken up arms in support of the Constitution of 1824, had been smuggled into San Antonio several days before and distributed secretly among the inhabitants of the town and even among the Mexican troops, and it was expected that the Mexicans of Federalist sentiments would communicate with the Texas army when it approached. Very little came of this, but on October 22, Antonio Padilla and Juan Seguín arrived with a few Mexican *rancheros*. They reported that the Federalist cause was gaining ground in the interior of Mexico and that important victories over the Centralists had been won. There was little ground for these reports, though undoubtedly Padilla and Seguín believed them, but upon being communicated to the army they served to increase confi-

View of San Antonio de Bexar

dence. Seguín reported also that the people of San Antonio and the surrounding country were friendly, which was probably the case. He volunteered his services and was appointed a captain in the army and commissioned to raise a company of Mexicans from the neighboring ranches.

Sam Houston and the other delegates to the consultation who had come on from San Felipe overtook the army shortly after it left Cibolo and were present with it for several days at Salado Creek. Houston did not approve of the campaign against San Antonio, and indeed was not in favor of any armed operations until after a provisional government could be organized and a legally constituted army brought into existence. He was, of course, a candidate for commander in chief, and his friends had decided to place his name before the consultation for that office. He was undoubtedly the best qualified man available, and it was already reasonably certain he would be elected. He did not hesitate to express publicly his disapproval of the march of the volunteers to San Antonio, and as a matter of fact declared his position in an address to them while at Salado Creek.

The occasion of this address was a general parade of the troops which Austin ordered on the eve of the departure of the delegates for San Felipe to attend the consultation. Austin himself addressed the army on this occasion, and a number of others, besides Houston, also spoke. W. T. Austin says that the commander in chief delivered "a very feeling and patriotic address, in which he clearly represented the true position of the army and the cause in which it was engaged."

Continuing his account of this meting, W. T. Austin says: "He (General Austin) alluded to the disorganized state of the country and the necessity of organization instanter; he recommended that the delegates then in the army should proceed to San Felipe (the place appointed for the Consultation) and unite with members there and go into session at the earliest possible moment; he recommended to them the establishment of a provisional government, as he conceived this measure absolutely necessary to prevent Texas from falling into anarchy, and also the organization of the military. He mentioned the necessity of this at once, as the army was without the provisions and comforts necessary to sustain them in the field so long as might be required to accomplish the objects of their determination, and added that without character their victories, though gloriously achieved, would be unproductive of any good results in the end. He urged that the army should be sustained and supported with promptness and by the united energies of the country.

"He also recommended that the Consultation should adopt measures to draw succor from the United States of the North; that the rights and privileges of citizens should be secured them by guaranteeing to them their head-right lands and placing them on a footing with citizens already in the country who had not yet obtained their land from the government.

"He then announced to the army the plan of operations upon which he had determined. The army having suffered for bread and other necessary provisions for several days, he assured them that steps were about to

be taken to procure abundant supplies for future wants, and that it should not be long before active operations should be commenced.

"General Sam Houston, . . . who had just joined the army there, delivered an impassioned address. He did not favor active operations, but advised delay for drill and preparations; said that our troops were hastily assembled, composed of citizens, untrained, and that the Mexicans were regular soldiers and in a fortified town, and that we were not prepared for an active campaign and the reduction of San Antonio; advised falling back to the east side of the Guadalupe until the army was reinforced, disciplined, and provided with artillery."

Other speakers delivered addresses, most of them of a general patriotic order. The remarks of Houston, whose reputation as a soldier gave weight to his opinion, evidently had an effect upon the volunteers, but W. T. Austin adds that "notwithstanding the discouraging prospects of the moment, the army enthusiastically signified their willingness to persevere in the campaign against the enemy. An express happily arrived during the evening, giving intelligence of an ample supply of flour and necessary supplies as being on the road from Goliad for the use of the army. This circumstance aided very considerably to support the determination of the volunteers to persevere in their valorous undertaking."

Although perfectly aware of the fact that he was not a great military genius and that he was without experience in such matters, General Austin was not deterred from his determination to take San Antonio. He was convinced both of the wisdom of such a move and of

the ability of the Texas army to reduce the Mexican stronghold. He felt that if San Antonio was not taken, reinforcements would be sent to the place during the winter and thus provide the enemy with a strong base of operations against the Anglo-American settlements. Houston's idea, on the other hand, was to postpone operations as long as possible, and to bend every effort toward getting the Anglo-American settlements ready for war by organizing a government and creating a well-drilled, thoroughly disciplined and well-equipped army. Austin's purpose was to take San Antonio and "to drive all the military out of Texas before the campaign closes," and he was not swerved from this purpose by Houston's opinion. After the Mexican troops had been driven out of Texas, all that Houston suggested could be put into effect.

Austin had been elected a delegate to the consultation from San Felipe, but he felt that his presence was more necessary with the army. He did not leave with the other delegates, therefore, when they started for San Felipe. However, he drew up a memorandum of nine points which he believed the consultation should act upon, and dispatched it from camp to the meeting. The nine points were as follows:

"1st. A declaration confirming the pronouncements made by the people at their municipal meetings to sustain the Federal Constitution of 1824, and the Federal System, which the army of Texas are now defending.

"2d. To declare Texas a State of the Mexican Federation, in consequence of the dissolution of the constitutional government of Coahuila and Texas, by military intervention.

"3d. Declare that a provisional Local Government be organized for the State of Texas, under the constitutional decree of 7 May, 1824, and appoint a provisional governor and lieutenant governor.

"4th. Declare the existing laws and constitution of the State of Coahuila and Texas to be provisionally in force, with such exceptions as may be deemed proper until a consultation is formed.

"5th. Pledge the faith of the State to raise funds and means, arms and men, to sustain the war in defense of the Constitution and Federal System.

"6th. Secure the lands and interests of the Indians, and declare all fraudulent and illegal sales or grants of land made by the State Government of Coahuila and Texas since April, 1833, to be null and void.

"7th. Establish a provisional express department.

"8th. Organize the militia, and appoint a commander in chief.

"9th. Raise 300 infantry and 150 cavalry and a corps of artillery as regular troops."

Having thus outlined his views as to the action the consultation should take, General Austin tendered to that body his "whole estate" to be mortgaged as it might see fit for the purpose of raising funds to conduct the war. Then, Houston and the other delegates having left for San Felipe, he turned his attention to the business of tightening the lines around San Antonio. He dispatched an urgent message to Goliad for additional supplies, acknowledging those already received, and wrote to the permanent council that he felt sanguine of reducing San Antonio "if the expected reinforcements arrive, but not otherwise." "You will therefore imme-

diately perceive," he wrote, "the urgent necessity there is for hurrying the volunteers, who ought to come on with all possible speed without waiting or delaying for any cause whatsoever." He had sent a detachment under Colonel Bowie, who had been appointed volunteer aid, and Captain J. W. Fannin, Jr., to examine the country around the missions of San Juan, San José and Espada, and on the morning of October 27 he decided to move the camp nearer the enemy's lines.

The new site was at the Mission Espada, on the San Antonio river, and nearer the town. This was to be only a temporary position, however, for Austin immediately dispatched instructions to Bowie and Fannin, who had with them a detachment of ninety-two men, to select a site as near San Antonio as practicable, and to return to the camp at Espada with as little delay as possible, so that the army could take up this new position before night. Inasmuch as subsequent events made it important, the text of the order to Bowie is herewith reproduced:

"HEADQUARTERS, MISSION ESPADA,
"October 27, 1835.

"You will proceed with the first division of Captain Fannin's company and others attached to that division and select the best and most secure position that can be had on the river, as near Béxar as practicable, to encamp the army tonight, keeping in view, in the selection of this position, pasturage and the security of the horses and the army from night attacks of the enemy.

"You will also reconnoiter, so far as time and circumstances will permit, the situation of the outskirts of the

town, and the approaches to it, whether the houses have been destroyed on the outside, so as to leave every approach exposed to the raking of cannon.

"You will make your report with *as little delay as possible*, SO AS TO GIVE TIME TO THE ARMY TO MARCH AND TAKE UP ITS POSITION BEFORE NIGHT. Should you be attacked by a large force send an express *immediately* with the particulars.

"By order "S. F. AUSTIN.

"P. W. Grayson,

"Aide-de-camp."

In a pencil copy of this order in Austin's order book, the italics above are underscored, and the capitalized words are heavily underscored. Bowie, Fannin and the ninety-two men under their command proceeded on their errand in accordance with this order. By night they had not returned to the camp at the Mission Espada, nor had any message from them been received. Finally, about nine o'clock, the assistant adjutant-general, Macomb, arrived at Austin's headquarters with a message from Bowie to the effect that a site adjoining the Mission Concepción had been chosen, but that it was so near night when the selection was made that the officers had taken upon themselves the responsibility of remaining on the ground with their men until next morning. Austin was very much disturbed by this news. It was not merely that his orders had been disobeyed, but he was certain that the little force would be attacked by daylight. Moses Austin Bryan, Austin's nephew, who was with him at the time, says he was emphatic on this point. "I know the anxiety expressed by the general," he writes, "when Colonel Macomb returned and reported that the

detachment that had been sent to select a camp as near the town as possible was not to return, and he expressed himself satisfied that they would be attacked the next morning. His aides were sent throughout the camp to notify the officers to be ready to march before day."

The army was paraded early next morning, in preparation for a quick march to the position occupied by Bowie and Fannin and their companions. But an annoying incident—a new case of disobedience of orders—caused delay. Deciding for themselves that the campaign against San Antonio was a mistake, the members of a company of volunteers had left camp quietly and started for home before daylight. Here was a case of plain desertion, and immediately a detachment was sent after the "deserters" to bring them back. They were not found, and no doubt continued on their homeward march, but a delay of something like two hours was caused, and the army did not get started until after sunrise. "Expecting to meet the enemy on this march, writes W. T. Austin, "the commander in chief took the precaution to have the army formed in proper order to meet any emergency. It was formed with the picket-guard in advance and guards upon the right and left flanks, the camp-guard in the rear, and the mounted company under Lieutenant Travis in the extreme advance. In this order the army moved on without the slightest alarm until it had approached to within one mile of the Mission Concepción. At the crossing of the river some trifling delay was occasioned in getting over the cannon and baggage wagons, when the commander in chief sent forward one of his aides to order Lieutenant Travis to halt until the army had crossed the river,

at which time it was ascertained that the detachment under Bowie and Fannin had been attacked by the enemy that morning, and Lieutenant Travis, observing the enemy about taking flight as he arrived in sight of the position at Concepción, . . . pressed rapidly on with his company in pursuit of the panic-stricken, retreating Mexicans, after they had suffered a severe loss in killed, wounded and desertions."

What had happened was this: Bowie and Fannin had selected a site about five hundred yards from the old Mission Concepción. It was a bend of the river, and consisted of an almost level plain, extending from the bottom land of the river in the shape of a triangle, two sides being enclosed by timber, with the river bottom forming the third. Between the bed of the river and this plain there was an expanse of bottom land, there being a sheer fall of from six to ten feet from the plain, thus enclosing the bottom land by a bluff. The distance from the bluff to the bed of the river varied from fifty to one hundred yards. It was a strong position, and it was this fact, as well as the lateness of the hour, which led them to decide to spend the night there. It developed later that Cos himself had gone on a reconnoitering expedition that day, and had learned late in the afternoon that a party of the Texans had crossed the river in the neighborhood of the Mission Concepción. He decided to attack in the morning, and accordingly at daybreak he sent out a force against them, consisting of all his cavalry, a small body of infantry, and one piece of artillery. The Texans awoke next morning to find themselves practically surrounded. An exchange of shots between a sentry and the advance guard

of the Mexicans had aroused them, and Bowie immediately disposed his men behind the bluff and prepared to make a desperate defense. The men had been divided the previous evening into two divisions, one on each side of the triangle, Captain Fannin's company being under cover of the south side and forming the first division, and thirty-seven men of the companies of Captains Coleman, Goheen and Bennet, under the direct command of Colonel Bowie, forming the second division on the north side. Seven pickets had been posted, one of them in the tower of the mission-house, which overlooked the whole country; but a heavy, dense fog covered everything in the morning and prevented the lookout guard from observing the approach of the Mexicans. The story of the battle, from the moment the enemy was discovered, is best told in Bowie's own words.

"The men were called to arms," says Bowie's report, "but were for some time unable to see their foes, who had entirely surrounded the position, and kept up a constant firing, at a distance, with no other effect than a waste of ammunition on their part. When the fog rose, it was apparent to all that we were surrounded, and a desperate fight was inevitable, all communications with the main army being cut off. Immediate preparation was made by extending our right flank (first division) to the south and placing the second division on the left, on the same side, so that they might be enabled to rake the enemy should they charge into this angle, and prevent the effects of a cross-fire of our own men; and at the same time be in a compact body, contiguous to each other, that either might reinforce the other at the shortest notice, without crossing the angle in an exposed and

uncovered ground where certain loss must have resulted. The men in the meantime were ordered to clear away the bushes and vines under the hill and along the margin, and at the steepest places to cut steps for footholds, in order to afford them space to form and pass and at suitable places ascend the bluff, discharge their rifles, and fall back to reload. The work was not completed to our wish before the infantry were seen to advance, with arms trailed, to the right of the first division, and form the line of battle at about two hundred yards distance from the right flank. Five companies of their cavalry supported them, covering our whole front and flanks. Their infantry was also supported by a large force of cavalry.

"In this manner the engagement commenced about the hour of eight o'clock A. M., on Wednesday, 28th of October, by the deadly crack of a rifle from the extreme right. The engagement was immediately general. The discharge from the enemy was one continual blaze of fire, whilst that from our lines was more slowly delivered, but with good aim and deadly effect, each man retiring under cover of the hill and timber, to give place to others, whilst he reloaded. The battle had not lasted more than ten minutes before a brass double-fortified four-pounder was opened on our line with a heavy discharge of grape and canister, at the distance of about eighty yards from the right flank of the first division, and a charge was sounded. But the cannon was cleared, as if by magic, and a check put to the charge. The same experiment was resorted to with like success three times, the division advancing under the hill at each fire, and thus approximating near the cannon and victory. 'The

cannon and victory' was truly the war-cry, and they only fired it five times, and it had been three times cleared, and their charge as often broken, before a disorderly and precipitate retreat was sounded, and most readily obeyed, leaving the victors their cannon. Thus a small detachment of ninety-two men gained a most decisive victory over the main army of the central government, being at least four to one, with only the loss of one brave soldier (Richard Andrews), and none wounded; whilst the enemy suffered in killed and wounded near one hundred, from the best information we can obtain which is entitled to credit; say sixty-seven killed, among them many promising officers. Not one man of the artillery company escaped unhurt.

"No invidious distinction can be drawn between any officer or private on this occasion. Every man was a soldier and did his duty, agreeable to the situation and circumstances under which he was placed.

"It may not be amiss here to say that near the close of the engagement another heavy piece of artillery was brought up and fired thrice, but at a distance; and by a reinforcement of another company of cavalry, aided by six mules, ready harnessed, they got it off. The main army reached us in about one hour after the enemy's retreat. Had it been possible to communicate with you (this was written to Austin) and to have brought you up earlier, the victory would have been decisive, and Béxar ours before twelve o'clock."

It was the retreating Mexicans from this battle that Travis and his scouts encountered after he had crossed the river. The Mexicans were still in sight and entering the town, when the advance of the main army ar-

rived on the scene. Moses Austin Bryan, who was General Austin's personal secretary, says that the commander in chief was in favor of following them into the town, taking advantage of the confusion of defeat. "I was riding by the side of the general," he writes, "and heard him say: 'The army must follow them right into town.' Bowie, Fannin and Briscoe objected. A council of war was called and the views of the general were given that now, then, was the time to capture Béxar, as there would be confusion and consternation at their defeat, etc. But the council decided against the measure."

W. T. Austin relates this incident as follows: "Immediately on arriving on the field upon which this battle was fought, the commander in chief believed it to be an auspicious opportunity to put an end to the campaign by following up the victory instanter; he therefore, without dismounting from his horse, gave orders for the army to push forward upon the enemy and attack him during his excitement and panic, which had been caused by the defeat on this occasion.

"Colonel James Bowie, supported by Fannin, upon hearing the determination of General Austin, went to him in person and implored him to abandon the project. Colonel Bowie had left San Antonio but very few days previously, and he was fully informed as to the strength of the fortifications, and he was positive that our army could not penetrate their works without suitable implements and heavy cannon; he therefore represented that the enemy would be enabled to bring several pieces of cannon to bear upon our troops as they were advancing, and that the attempt would certainly be made at a very

heavy loss of life. . . . This statement of facts had the effect to induce the commander in chief to abandon the idea of following up the victory at that moment, inasmuch as he felt satisfied that the enemy would soon fall into our hands at any rate, and he desired to accomplish this object with as little loss of life as possible."

Accordingly, the army was conducted to the site Bowie had chosen. Austin decided to make the Texans secure in this new position and adopt a system of operations to annoy the enemy in every possible way. He also set about immediately to improve the discipline in the army. While the battle of Concepción was a glorious victory, with only one man killed, a needless risk had been taken in disobedience of orders. Moreover the insubordination of the company which had decided for itself to abandon the campaign against San Antonio had caused a delay of two hours and prevented the main army from arriving in time to participate in the battle. There can be little doubt that had the army arrived an hour earlier, the whole of Cos's cavalry would have been captured, and it is more than probable that the rest of his forces in the town would have been sent out to reinforce them, thus bringing his entire army into action outside the town. If that had happened, San Antonio might have been taken that day and Cos's army destroyed. General Austin was determined that such disobedience of orders and insubordination should not happen again if he could prevent it. As a first step, therefore, toward restoring discipline, he issued the following general order to the army:

"The army is now in the presence of the enemy;

prompt obedience to orders and strict discipline will soon effect the great object of the campaign, but without them nothing but disgrace and ruin will be the result.

"It is therefore expressly ordered that any officer who disobeys orders shall be immediately arrested and suspended from his command until a court-martial decides his case. The colonel of the regiment will circulate this order to every officer and company in his regiment."

The net result of the battle of Concepción was to increase the confidence of the Texans. "Notwithstanding the peculiar circumstances under which the engagement took place," writes W. T. Austin, "it had in the end a happy and advantageous effect. It proved the fact that Texans with their rifles and pistols were decidedly formidable in the field, and sufficiently equal to cope with the Mexican troops, even with a greatly superior force; it had a tendency, then, to inspire the men with a degree of confidence in their efficiency that previously did not in fact exist; and it also had the effect to depress and alarm the Mexican troops and bring them to a more respectful consideration of the importance of Texan volunteers than was previously entertained. The enemy took a hint of precaution from the result of this battle, and kept very closely confined ever afterwards within the walls during the day."

General Austin was convinced that a close siege, preventing the Mexicans from obtaining supplies or reinforcements, would make the fall of San Antonio only a question of time. He was equally convinced that with proper artillery the town could be taken by storm whenever the Texans were ready to make the attempt. He

decided, therefore, to await the arrival of the artillery and the reinforcements on the way.

"Strong detachments of cavalry," says W. T. Austin, "were kept constantly moving around the town and Alamo from our encampment, night and day, with a view to cut off the supplies to the town from the surrounding country and prevent the enemy having any communications with the country whatever, and to annoy them in every way possible. This was considered the best mode of besieging the enemy. Our forces being small compared with the force of the garrison, it was thought best to keep the main body of our army concentrated at one point, and keep the Mexicans shut up within the walls by means of strong mounted companies passing around them constantly."

The whole Texas force at the time of its arrival at Concepción numbered about four hundred effective men. On October 29 the companies from East Texas reached the camp and brought this up to about six hundred. There was a Louisiana company still on the way, and a twelve-pounder cannon was also being moved to San Antonio. In this situation the army settled down to a close siege of the town. General Austin, as a preliminary, decided to send Cos a formal demand that he surrender. He sent two divisions to points within a few hundred yards of the Mexican works, where they were ordered to halt while Colonels Wilson and Macomb advanced with a flag of truce and delivered the message to Cos. Cos refused to receive the communication, and sent word to the flag-bearers to retire at once or they would be fired upon. Without waiting for them to retire, however, the Mexicans opened a brisk cannonad-

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ing from the Alamo, an old mission chapel on the outskirts of the town, but without any other effect than a waste of ammunition. The Texans replied with two six-pounders—the whole of their artillery—and the two divisions returned in good order to the camp. A little while after the firing had ceased, the priest of the town appeared at the camp, bearing a message from General Cos. The priest explained that General Cos offered an apology to the commander in chief for having fired upon the Texans under a flag of truce. The Mexican commander, he said, desired to inform General Austin that he had been ordered by his superiors to defend San Antonio and fight to the last, and that in such circumstances it was entirely useless for them to hold any parleys. He intended to carry out those orders to the letter.

The Texans therefore tightened the siege, pending the arrival of their artillery, meantime keeping the Mexicans closely imprisoned in San Antonio. Indeed, the spectacle presented, according to eyewitnesses, was precisely as if the town and the Alamo were prisons and the mounted parties of Texans, riding around them, prison guards whose duty it was night and day to see that none escaped. The Mexicans did not show themselves outside the walls. Cos and his army were effectively cut off from communication with the outside world and their only hope of escape was the arrival of a strong force from the interior of Mexico.

CHAPTER XXXIII.

A PROVISIONAL GOVERNMENT.

WHILE Austin and the volunteers were moving against San Antonio, and during the period in which the siege was being tightened around that town, the work of establishing a civil government was begun at San Felipe. After the preliminary meeting of the consultation on October 16 and 17 the permanent council, now consisting of about twenty members, representing seven municipalities, assumed authority as a sort of provisional government and, in addition to continuing its efforts to support the army in the field, undertook varied activities which the unorganized condition of affairs made necessary. Because of danger of Indian uprisings, the council created a force of rangers, assigning twenty-five men between the Colorado and the Brazos rivers, and fifty men between the Brazos and the Trinity. It appointed a delegation to confer with the Indians and to promise them that the consultation would adjust their grievances with respect to lands. It made a beginning toward creating a system of revenue, providing that land dues and the proceeds of stamp paper, formerly paid to the state government, should be collected by special agents who were appointed to cooperate with the local committees for this purpose. It created a postal system, appointed a postmaster general and fixed a schedule of rates for carrying mail over certain designated routes. It even projected an ambitious plan to negotiate a loan

of one hundred thousand dollars at New Orleans, but nothing came of it, for the reason that Thomas F. McKinney, who was requested to undertake the task of obtaining the loan, very properly objected that the council was hardly possessed of authority to pledge the credit of Texas to such an extent.

The chief work of the council, however, was that of obtaining supplies and ammunition and forwarding them to the army, and of continuing the effort to arouse the people. If it did not succeed in establishing an efficient supply system in the short space of two or three weeks, it did at least make a very fair beginning. Austin, it is true, was compelled to send to Goliad more than once for supplies to keep his men from actually going hungry, and was even put to the necessity of using his personal funds to purchase corn from Mexicans around San Antonio, but by the time the consultation reconvened the council could report with truth that a considerable quantity of supplies was on the way to the seat of war. President Royall reported that information received from the army contractor gave reason to believe that "upwards of one hundred beeves and a considerable quantity of corn meal" were en route to the army, and that such supplies as "sugar, coffee, bacon, blankets, shoes, tent cloths, etc." had been forwarded from Columbia, Brazoria and Matagorda. He also reported that "one eighteen-pounder and a twelve-pounder of artillery are on the way, with a fair proportion of powder and ball."

On October 22 Frank Johnson and Mosely Baker returned from the Nacogdoches district and reported the results of their three weeks of agitation there, a résumé

of which already has been given. It was on their recommendation that the committee to confer with the Indians was named, and when they recommended that the land offices be closed and surveying stopped during the war, a resolution to that effect was adopted by the council. "Many persons are in the country, receiving lands, who have never been on an Indian campaign, and who now refuse to aid in the war," said Johnson and Baker in their report. "As such people do not benefit the country, we can see no good reason why the country should benefit them. . . . Many persons are also detained at home for the purpose of speculating on lands, and for the purpose of surveying." Accordingly the council adopted a resolution declaring that the land offices should be closed, and this policy was continued by the consultation when it met and by the provisional government.

A significant passage in the report of Johnson and Baker throws light on one aspect of the situation the council had to face. "Some few persons," it said, "are endeavoring to create the impression through the country that the government is very friendly, and that the people ought to stay at home, and that by turning out they will be guilty of treason. We suggest to your body the propriety of reporting some of these individuals to the army, in order that some steps may be taken in regard to the matter." There unquestionably were such men in the country, and there were many others among the people who remained absolutely indifferent to the situation. As a matter of fact, the rights of the people were being defended by a minority. There certainly were more than five thousand able-bodied Anglo-Amer-

icans in Texas at that time, and there were not more than eight hundred under arms, including the men at San Antonio, at Goliad and at other points. Moreover, the appeals of the council for more of the people to turn out were not meeting with very great response.

This situation is reflected in a resolution which the council adopted on October 22, recommending "a compromise of the difficulties between Texas and the Mexican forces." This resolution was offered by Jacob Garrett, of San Augustine, and apparently was adopted unanimously. It read as follows:

"Be it resolved by the General Council of Texas, that we recommend to the commander in chief and to the members of the consultation in camp that they use every possible means to adjust our present difficulties with the Mexican army without bloodshed, hereby approving of any arrangement made by them to produce said effect, provided in said adjustment the military is withdrawn from our country and our republican principles preserved, and that our commissioners take a copy of this resolution to present to the committees of safety at San Augustine and Nacogdoches and that one be forwarded to the commander in chief of our forces."

This resolution had no effect in action, of course, for several days before Austin had sent a communication to Cos in line with its provisions, and the Mexican commander had refused to receive it on the ground that he could hold no converse with rebels. But it serves to reveal the pressure of conservative sentiment among the people. So strong was this sentiment, apparently, that the committee followed up this resolution by issuing the next day an address to the people, calculated to combat

it. "We ask you to discard from your recollection the thousand rumors you have heard of the political condition of the Mexican government, and of its intentions towards Texas, and to listen to what we have to say to you," said the council in this address. "We have been appointed by the delegates of Texas to represent the country until the convention shall meet, and what we say to you is true, and no good citizen will doubt it. We solemnly warn you against the insidious and dangerous reports you every day hear; and we as solemnly warn you against listening to the equally insidious and dangerous doctrines of those who, too ignorant to understand the true condition of things, would persuade you that no danger exists, and that no unfriendly feelings are entertained by the Mexican government against you, and that if you stay at home all will be well. We declare to you that such assertions are not true, and that if you act under that belief your country, your property and your liberties are lost."

In a closely reasoned statement, the address then reviewed the events leading up to the situation then existing—the action of Santa Anna in usurping the power of the constitutional authorities and plotting the destruction of the federal government, the resistance of Zacatecas and the massacre of its citizens, the resistance of the government of Coahuila and Texas and its overthrow by the military, the action of the new congress in undertaking to change the form of the government, and finally the invasion of Texas by Mexican troops to force the new despotism upon the Anglo-Americans. It was to resist this attempt to enslave the Texans, declared the

address, that the volunteers were in the field and had sworn "to drive every Mexican soldier beyond the Rio Grande, or to whiten the soil with their bones."

"The cause in which they are engaged is not the cause of any party," it continued; "it is the cause of Texas; it is a contest for liberty; it is an issue in which are involved the lives, the property, and freedom of the settlers of our country. . . . Will you longer remain idle? Will you longer refuse to turn out Will you still continue to be passive spectators? No, fellow-citizens, we believe you will not. We believe some of you have been deceived; but now you can be deceived no longer. And we entreat you, by the sacred and endearing name of liberty, in the name of your patriotic and devoted fathers of the revolution, by all the tender ties that should bind one American to another, to rouse from your lethargy, and march to the field of war. Shall your friends, your neighbors—shall Americans be slaughtered by a Mexican soldiery, and you not avenge their deaths? Shall they brave the cannon's mouth, and you not participate in the glory? Shall they shout victory from the battlements of San Antonio, and you not be there to join in the cry?"

From this mood of fervid appeal the address then changed to a threatening tone. "Fellow-citizens of our common country," it declared, "we again solemnly warn you of your danger; we again tell you that your aid is required; we again entreat you, without delay, to march to San Antonio. If you refuse, our duty constrains us to tell you that Texas in her prosperity, the convention in its indignation, the army flushed with victory, will remember you. The present generation may brand you

with infamy. Posterity will remember it toward your children. He who does not now protect Texas, Texas will not protect him hereafter. He who confers no benefit on the country, the country will confer none on him. The public lands of Texas are for its protectors alone; punishment and disgrace alone for those who are secretly, silently, or openly its enemies. To Americans, to freemen, to the countrymen of Washington, to the friends of Texas, we have said enough. When you next hear from us, you will hear, in all probability, that the blood of our enemies has crimsoned the soil of our country."

This able appeal to the people was followed three days later by an address "to the Citizens of the United States of the North," calling for assistance. Johnson and Baker had laid before the council the minutes of a public meeting held in the interest of Texas at Natchitoches, Louisiana, on October 1 and which resulted in the forming of a permanent committee at that place to assist the cause of Texas. In a few days information of similar meetings at New Orleans and other points was received. Edward Hall of New Orleans arrived at San Felipe as the representative of a committee there, and reported that seven thousand dollars had been raised in a short time, that subscriptions were still being received, and that a detachment of the New Orleans Greys, a military company, was on its way to join Austin at San Antonio, and another detachment would arrive in the near future. In view of this evidence of interest in the Texas cause among the people of the United States, the council decided to issue a special appeal with the purpose of increasing help from that source.

This address, which was issued on October 26, set forth in direct fashion the facts of the situation in which the Texans found themselves and proceeded to invite Americans to come to Texas and help them, promising that all who came should share in the fruits of victory. "We are one people," it declared. "Our fathers, side by side, fought the battles of the war of 1812 and 1815. We were born under the same government—taught the same political creed—and we have wandered where danger and tyranny threaten us. You are united to us by all the sacred ties that can bind one people to another. You are, many of you, our fathers and brothers—among you dwell our sisters and mothers—we are aliens to you only in country; our principles, both moral and political, are the same—our interest is one, and we require and ask your aid, and we earnestly appeal to your patriotism and generosity. We invite you to our country—we have land in abundance and it shall be liberally bestowed on you. We have the finest country on the face of the globe. We invite you to enjoy it with us and we pledge to you, as we are authorized to do, the lands of Texas and the honor and faith of the people, that every volunteer in our cause shall not only justly but generously be rewarded.

"The cause of Texas is plainly marked out. She will drive every Mexican soldier beyond her limits, or the people of Texas will leave before San Antonio the bones of their bodies. We will secure on a firm and solid basis our constitutional rights and privileges, or we will leave Texas a howling wilderness. We know that right is on our side, and we are now marching to the field of battle reiterating our fathers' motto, 'to live free or die.' And

to the people of the United States of the North we send this assurance that, though numbers may overwhelm us, no other feeling than that of the genuine American glowed in our bosoms, and though danger and destruction await us, no friend of theirs proved recreant to his country."

The tone of this appeal to the American people shows that the council had abandoned any idea of reconciliation or compromise, and that it was prepared to go the whole distance of declaring for independence should necessity seem to require it. But that does not mean that a majority of the people had advanced to the idea of independence, or that even a majority of the leaders were ready to declare for it. The appeal summed up the question of the purpose of the Texans in the following sentence: "Public sentiment has already declared that Texas should be organized as a state government under the constitution of 1824, or such other form of government as circumstances may require." That sentence summed up also the view taken by Austin. He was very strongly of the opinion that the form of government adopted should be based solidly on the constitution of 1824, and on the rights of Texas under that document, for two reasons. First, he wanted to make sure that the cause of Texas would be presented in such a way to the nations of the world that it would give the lie to the Mexican charge that the struggle was one in which foreigners were seeking to dismember Mexico and alienate Mexican territory, and would support the claim that the colonists were fighting for their constitutional rights under Mexican law. Second, he wanted to defeat the purpose of

the centralists to unite all Mexico against Texas in a racial war; and at the same time he desired to arouse the federalists of other sections of Mexico to a defense of the constitution of 1824 and thus prevent the central government from concentrating all its energies on the task of putting down the revolt in Texas. As Austin viewed the matter, nothing would be sacrificed by following such a course, and much might be gained. A declaration of independence could be adopted at any time, if it became necessary, and would have even a firmer foundation if it came after the failure of an attempt to reestablish the constitution of 1824. An immediate declaration of independence, as Austin viewed the situation, would not help the cause of Texas, and by uniting the Mexicans and seeming to bear out the Mexican version of the character of the struggle, it might do great harm.

The question of whether a provisional state government under the constitution of 1824 should be set up or an immediate declaration of independence adopted was the dominant one in the discussions of the delegates to the consultation when that body reconvened. A quorum was obtained on November 3 and, after the delegates were called to order by Royall as president of the permanent council, Dr. Branch T. Archer was elected president and R. B. Dexter secretary. The full roster of the delegates elected to the consultation was made up as follows:

DEPARTMENT OF BRAZOS.

Jurisdiction of Austin: Stephen F. Austin, Thomas Barnett, Jesse Burnam, Randall Jones, Wily Martin, William Menifee, William Barrett Travis.

Jurisdiction of Columbia: William H. Wharton, Henry Smith, B. T. Archer, W. D. C. Hall, Edwin Waller, J. S. D. Byrom, John A. Wharton.

Jurisdiction of Matagorda: R. R. Royall, Chas. Wilson, J. R. Lewis, James Kerr, George Sutherland, Francis M. White.

Jurisdiction of Harrisburg: Lorenzo de Zavala, George M. Patrick, Wm. P. Harris, C. C. Dyer, M. W. Smith, John W. Moore, David B. Macomb.

Jurisdiction of Washington: Asa Mitchell, Asa Hoxey, Jesse Grimes, C. Collard, M. Millican, William Shepherd, Philip Coe.

Jurisdiction of Gonzales: William S. Fisher, J. B. Clement, Benj. Fuqua, George W. Davis, Thomas R. Miller, James Hodge, William Arrington.

Jurisdiction of Mina: J. S. Lester, D. C. Barrett, Edward Burleson, R. M. Coleman, B. Manlove, Bartlet Sims, R. M. Williamson.

Jurisdiction of Viesca: J. G. W. Pierson, J. S. Hood, S. T. Allen, A. G. Perry, J. W. Parker, Alexander Thomson.

DEPARTMENT OF NACOGDOCHES.

Jurisdiction of Nacogdoches: Sam Houston, William Whittaker, Daniel Parker, James W. Robinson, Nat Robins, —— Hoffman, T. J. Rusk.

Jurisdiction of San Augustine: A. Houston, Jacob Garrett, Wm. N. Sigler, A. E. C. Johnson, A. C. Kellog, Henry Augustin, Alexander Horton.

Jurisdiction of Bevil: John Bevil, S. H. Everett, Wyatt Hanks, J. H. Blount, Samuel Lewis, Thomas Holmes, John A. Veatch.

Jurisdiction of Liberty: J. B. Wood, Henry Millard, Claiborne West, P. J. Menard, Hugh B. Johnson, D. G. Burnet.

No delegates appeared from the department of Béxar.

In opening the consultation, Dr. Archer delivered an address outlining the questions the delegates would be called upon to consider, and indicated his own view of the course that should be taken by saying that he regarded the work to be done as that of "laying the corner-stone of liberty in the great Mexican republic." Dr. Archer's address in full was as follows:

"Gentlemen: I return you my thanks for the honor you have conferred on me. The duties which devolve upon the members of this body are arduous and highly important; in fact, the destinies of Texas are placed in our hands; and I hope that you are now assembled in every way prepared to discharge those duties in a manner creditable to yourselves and beneficial to your country. I call upon each and all of you to divest yourselves of all party feelings, to discard every selfish motive, and look alone to the true interest of your country. In the words of the Hebrew prophet I would say, 'Put off your shoes, for the ground upon which you stand is holy.' The rights and liberties of thousands of freemen are in your hands, and millions yet unborn may be affected by your decisions.

"The first measure that will be brought before the house will be a declaration in which we will set forth to the world the causes which have impelled us to take up arms, and the objects for which we fight.

"Secondly: I will suggest for your consideration the propriety of establishing a provisional government, the

election of a governor, lieutenant governor and council; and I would recommend that these officers be clothed with both legislative and executive powers. This measure I conceive absolutely necessary to prevent Texas from falling into the labyrinth of anarchy.

"Thirdly: The organization of the military requires your immediate attention. You have an army in the field whose achievements have already shed lustre upon our arms, they have not the provisions and comforts necessary to continue their services in the field; give them character, or their victories, though they are achieved not without danger and glory, will nevertheless be unproductive of good; sustain and support them and they will do honor to you, and render incalculable services to their country; but neglect them—Texas is lost. The adoption of a code of military laws is indispensable; without discipline and order in the ranks your armies will be mobs more dangerous to themselves than to their adversaries, and liable at all times to be routed and cut to pieces by a handful of regulars. I know the men that are now in the field; there never were better materials for soldiers; but without discipline they can achieve nothing. Establish military laws and, like the dragon's teeth sown by Cadmus, they will produce armed men. It will be necessary to procure funds in order to establish the contemplated government, and to carry on the war in which we are now engaged; it will, therefore, be our duty to elect agents to procure those funds. I have too high an opinion of the plain, practical sense of the members of this body to think for a moment that they will elect any but some of our most influential citizens to this important post. Without funds, however

heroically your armies may fight, however wisely your councils may legislate, they will erect but a baseless fabric that will fall of its own weight.

"There are several warlike and powerful tribes of Indians that claim certain portions of our lands. Locations have been made within the limits they claim, which has created great dissatisfaction amongst them; some of the chiefs of those tribes are expected here in a few days; and I deem it expedient to make some equitable arrangement of the matter that will prove satisfactory to them.

"Permit me to call your attention to another subject. Some of our brethren in the United States of the North, hearing of our difficulties, have generously come to our aid, many more ere long will be with us. Services such as they will render should never be forgotten. It will be proper for this convention to secure to them the rights and privileges of citizens, to secure to them their land 'in head-rights,' and place them on the same footing with those of our citizens who have not yet obtained from the government their lands; and in all other respects to place them on an equal footing with our most favored citizens. Again, the path of promotion must be open, they must know that deeds of chivalry and heroism will meet their rewards, and that you will throw no obstruction in their pathway to fame.

"Some fraudulent sales or grants of land by the late government of Coahuila and Texas will require your attention. The establishment of mails and an express department is deemed necessary to promote the interest of the country, besides other minor matters that have escaped my observation in this cursory review.

"Finally: Gentlemen and friends, let me call your attention from these details to the high position which you now occupy; let me remind you that the eyes of the world are upon you; that battling as we are against the despotism of a military chieftain, all true republicans, all friends to the liberties of men, are anxious spectators of the conflict, or deeply interested in the cause. Let us give evidence that we are the true descendants of that band of heroes who sustained an eight years' war against tyranny and oppression and gave liberty to a new world. Let our achievements be such that our mother country, when she reads the bright page that records them, shall proudly and joyfully exclaim: 'These are my sons! Their heroic deeds mark them as such.'

"Again, gentlemen, let me admonish you that 'the ground on which you stand is holy,' that your decisions will affect the rights and liberties of thousands of freemen, and destinies of millions yet unborn, and perhaps the cause of liberty itself. I do not view the cause in which we are engaged as that of freemen fighting alone against military despotism; I do not view Texas as battling alone for her rights and her liberties. I view it in a nobler, more exalted light. I view it as the great work of laying the corner-stone of liberty in the great Mexican republic."

There is no record of "applause" greeting this closing sentence, but it is certain there were men in the consultation who were not thrilled with the idea of "laying the corner-stone of liberty in the great Mexican republic." William H. Wharton was one of these, R. M. Williamson was another, Henry Smith was still another. These men were through with the "Mexican republic."

They had been through with it for some time, and they were impatient of men who still talked about it. So much of a "republic" as had ever existed in Mexico, they contended, had already been destroyed. The federal compact had been dissolved, and they insisted that its dissolution left Texas in "a state of nature." They favored, therefore, an immediate declaration of independence. Texas, they said, must never have anything more to do with Mexico. Her people must achieve a new destiny for her, entirely separate and distinct from the destiny of Mexico. Being in " a state of nature," they were free to enter into a new social compact among themselves. Indeed, they were forced to do this, if anarchy was to be averted, for no semblance of Mexican government existed any longer in Texas.

Such was the theoretical ground of the point of view of the "radicals." But they had practical ground for it also. Assistance from the United States was absolutely necessary to success. Men and money were essential and, if men were to come to Texas to fight and if money was to be invested in the destiny of Texas, there could be no return to a political connection with Mexico. Men would fight for an independent Texas, and only an independent Texas could reward them adequately. Men would lend money to an independent Texas, and only an independent Texas could give adequate and certain security for such loans. In order to insure prompt assistance of this kind, therefore, it was necessary to declare Texas independent of Mexico at the very outset of the struggle. These were practical considerations which impelled men like the Whartons to advocate immediate independence.

Opposed to this view were varied gradations of opinion that stopped short of an immediate declaration of independence. Nearest to it was that view which held that the consultation was without power to adopt a declaration of independence. The delegates, according to this view, had no mandate to take such action. On the contrary, most of the local or "primary" meetings held throughout Texas during the previous summer had declared for the Constitution of 1824, and in not a single instance had there been a declaration in favor of independence. Some of the delegates who held to this view were personally in favor of an immediate declaration of independence, but felt they were without power to make such a declaration. Let the consultation declare for the constitution of 1824, and then let another meeting be called as early as possible.

A third class of delegates were those who believed that a "decent respect for the opinions of mankind" required that there should be some kind of support of the constitution of 1824, and that such a declaration might have the effect of obtaining adherents in other Mexican states and give the central government some trouble.

And finally there were those who took Austin's view of the matter. These held that a declaration in support of the constitution of 1824 was both the legal and strategic thing to do. Texas had legal rights under that constitution. She could not be robbed of those rights without her consent. The people of Texas, to be sure, could revert to their natural rights and assert that "a state of nature" had been created, but, by standing solidly on the rights of Texas as a legal and political entity and maintaining those legal rights, the case of Texas

would be made impregnable. The Mexican centralists in control of the government, the destroyers of the constitution and usurpers of the rights of the states, would thus be placed on the defensive at the bar of international opinion.

Moreover, Texas had no right to assume that the other Mexican states would accept finally the usurpations of the centralists. In Zacatecas, for example, thousands of patriots already had given their lives in resisting the violent overthrow of the federal system. Zacatecas had not declared for independence—it had declared for the constitution of 1824, the charter of its rights as a state. Let Texas take the same stand. By taking this stand the claim of the central government that the Texans were simply a crowd of foreigners who had come into Mexican territory for the purpose of robbing the country of part of its national domain would be refuted absolutely. There would be time enough for a declaration of independence after that. It would not be necessary to appeal to any other right than that of self-preservation, the fundamental right of all men, in order to make such a declaration, provided every effort to maintain the legal rights of Texas was first made.

In the statement Austin sent from San Antonio to the consultation, he covered his idea of the attitude Texas ought to assume in the first four of his nine points. These were as follows:

1st. To confirm the pronouncements made by the people in their municipal meetings to sustain the federal constitution of 1824, and the federal system.

2d. To declare Texas a state of the Mexican federa-

tion, in consequence of the dissolution of the constitutional government of Coahuila and Texas by military intervention.

3d. To declare that a provisional local government be organized for the state of Texas, under the constitutional decree of May 7, 1824.

4th. To declare the existing laws and constitution of the state of Coahuila and Texas to be provisionally in force, with such exceptions as may be deemed proper, until a new constitution could be adopted.

To follow this course would be to attempt to preserve what the centralist government proposed to destroy—the sovereignty and the legal rights of Texas.

Those who held to Austin's view proposed in the consultation to declare "for the constitution of 1824." William H. Wharton and his followers proposed to declare Texas independent of Mexico. These were the two extreme points of view which clashed in the consultation.

While it is not possible to say which of these views more nearly represented the public opinion of Texas, it can be said with certainty that neither represented the views of a majority of the people. Indeed, it is not certain that at the moment the consultation met a majority of the people had yet come to realize that the trouble with Mexico could not be adjusted without further bloodshed. Dr. Eugene C. Barker has well said that "the Texas Revolution was not a spontaneous outburst of patriotic indignation against Mexican oppression." "Few of the colonists," he continues, "were satisfied with all features of Mexican rule; but few, also, were willing to go the length of armed rebellion.

A small party of radicals forced the war. It came suddenly, and was soon over—lasting less than seven months. The pacific majority were dazed by its sudden development, and before some of them recovered it was past." It is this situation which must be borne in mind in connection with the views expressed in the consultation. The picture which some Texas historians have presented of the mass of the people clamoring for independence and being held in check by a small party of cool-headed conservatives in the consultation has no relation to the facts. Whatever the majority of the people may have thought, they certainly did not demand independence, and the consultation, taken as a whole, was more radical in its average, than the average of the people as a whole.

The clash of opinion in the consultation became manifest the first day, and for five days the delegates labored over the "declaration of causes" before an agreement was reached. It was agreed among them from the start, however, that it was of prime importance that the declaration should be unanimous, and it was to achieve this result that so much time was consumed.

After adopting a resolution thanking Bowie, Fannin and their men for their services in the battle of Concepción, and hearing a report from Edward Hall of the New Orleans committee, covering the activities of the friends of Texas there, the consultation, on motion of John A. Wharton, authorized the appointment of a committee, composed of one member from each municipality, to set forth in a statement the causes impelling the Texans to take up arms. The committee was named

and immediately began its labors. It was composed of the following delegates: John A. Wharton, Columbia; William Menifee, San Felipe de Austin; R. R. Royall, Matagorda; Lorenzo de Zavala, Harrisburg; Asa Mitchell, Washington; W. S. Fisher, Gonzales; R. M. Williamson, Mina; Sam Houston, Nacogdoches; A. Houston, San Augustine; Wyatt Hanks, Bevil; Henry Millard, Liberty; S. T. Allen, Viesca.

Upon taking up its work this committee found itself so radically divided on the question of what stand the declaration should take that it was necessary to return to the main body and ask for instructions. In the discussion which followed, it developed that it would never be possible to obtain a unanimous agreement on any statement of causes that declared unequivocally either for independence or for the constitution of 1824. There were delegates present who would not abide by the will of the majority on either one side or the other of these two proposals. It was necessary to find a formula that would meet the views of both sides sufficiently to insure agreement after the vote should be taken. The journal of the consultation is not very clear and specific as to the manner in which it was first proposed, or as to who proposed it, but there is reason to believe that Sam Houston was the peacemaker, and that he was the author of the formula which, after amendment, was adopted. That formula consisted in a declaration in favor of the "*principles* of the constitution of 1824" instead of a flat declaration for the constitution itself. The question was thoroughly threshed out before a vote was taken, and when it was apparent that the sense of the whole body had been about settled the question of

a declaration of independence was put first and decisively defeated. Then the decision was made to declare for "the *principles* of the constitution of 1824," the vote being thirty-three to fifteen. On this basis, therefore, the declaration of causes was drawn up. There was still objection to it, however, and there was much discussion before unanimous approval could be obtained. Somebody evidently raised the question as to what precisely were the "principles" of the constitution of 1824, for the final draft of the declaration was amended from the floor by inserting the word "republican" before the word "principles," thus making it to favor the "*republican* principles of the constitution of 1824." It is easy to imagine the ground for this change, for there were provisions of the constitution of 1824, like that establishing a state religion, to which the extreme advocates of independence could be expected to object. With the understanding, therefore, that it was only the "republican" principles of that document that were being indorsed, unanimous agreement was finally obtained. In the process Sam Houston established his right to leadership, for unquestionably it was his eloquent appeals for unity and his tact that brought about this much-desired result.

The declaration was finally adopted on November 7, and was as follows:

"DECLARATION OF THE PEOPLE OF TEXAS IN GENERAL CONVENTION ASSEMBLED.

"'Whereas, General Antonio López de Santa Anna, and other military chieftains, have, by force of arms,

overthrown the federal institutions of Mexico, and dissolved the social compact which existed between Texas and the other members of the Mexican confederacy; now the good people of Texas, availing themselves of their natural rights,

SOLEMNLY DECLARE

"1st. That they have taken up arms in defense of their rights and liberties, which were threatened by encroachments of military despots, and in defense of the republican principles of the federal constitution of Mexico, of eighteen and twenty-four.

"2d. That Texas is no longer morally or civilly bound by the compact of union; yet, stimulated by the generosity and sympathy common to a free people, they offer their support and assistance to such of the members of the Mexican confederacy as will take up arms against military despotism.

"3d. That they do not acknowledge that the present authorities of the nominal Mexican republic have the right to govern within the limits of Texas.

"4th. That they will not cease to carry on war against the said authorities whilst their troops are within the limits of Texas.

"5th. That they hold it to be their right during the disorganization of the federal system and the reign of despotism, to withdraw from the union, to establish an independent government, or to adopt such measures as they may deem best calculated to protect their rights and liberties, but that they will continue faithful to the Mexican government as long as that nation is gov-

erned by the constitution and laws that were formed for the government of the political association.

"6th. That Texas is responsible for the expenses of her armies now in the field.

"7th. That the public faith of Texas is pledged for the payments of any debts contracted by her agents.

"8th. That she will reward, by donations in lands, all who volunteer their services in her present struggle, and receive them as citizens.

"These declarations we solemnly avow to the world, and call God to witness their truth and sincerity, and invoke defeat and disgrace upon our heads should we prove guilty of duplicity."

Having adopted this declaration, the consultation then took up the question of establishing a provisional government. On November 7 a motion was adopted creating a committee of twelve, one from each municipality represented in the consultation, to draw up a plan for a provisional government, and the following delegates were named: Henry Millard, Liberty; Randall Jones, San Felipe; Charles Wilson, Matagorda; C. C. Dyer, Harrisburg; Asa Hoxie, Washington; J. S. Lester, Mina; Henry Smith, Columbia; William Arrington, Gonzales; Alexander Thompson, Viesca; J. W. Robinson, Nacogdoches; S. H. Everitt, Bevil, and A. Houston, San Augustine. This committee divided itself into two subcommittees, one to draw up a plan of civil government, and the other to suggest the form of military organization, and during the next six days the work of this committee constituted the chief labors of the consultation. On November 13 it reported the plan of provisional government which was adopted, the text

of which is printed as an appendix to this volume. It provided for a governor, a lieutenant-governor, a commander in chief of the regular army, and a general council made up of one member from each municipality, the latter for the most part possessing concurrent power with the governor. As will be seen in due course, the division of authority was such as to become unworkable when there was a conflict of opinion between the governor and the council, but the consultation did not anticipate the stormy times ahead.

Meantime, while the committee was drawing up this plan of government, the consultation adopted a number of important measures. It voted to the volunteers who should remain in the army until the fall of San Antonio, or until they were honorably discharged, twenty dollars a month from the time they left home, with the understanding that they also would be entitled to receive "such donations of land as this government shall vote them for their patriotism." All losses of private property or money expended in the service of the country were acknowledged as debts of the government, in accordance with another resolution adopted on November 9. Edward Hall of New Orleans was appointed a special agent of the government and authorized to purchase cannon and munitions in the United States, and for this purpose to use money collected by the New Orleans committee.

Finally, the consultation made two decisions which subsequent events showed to be mistakes. One of these was the election of an extreme partisan of the radical faction to the office of governor. When it came to choosing the officials of the provisional government,

instead of seeking the unanimity which was thought so essential in relation to the declaration of causes, the delegates divided on partisan lines. The names of Stephen F. Austin and Henry Smith were presented to the consultation as candidates, and Smith was elected over Austin by a vote of thirty-one to twenty-two. Whatever else may be said of Henry Smith, he was so decidedly of the radical faction as to unfit him to be the head of a provisional government which was expected to command the united support of the people. Smith's election, therefore, was a mistake.

The other error was the acceptance by the consultation of the decision of a special committee that the provisional government could assume no authority over the volunteers already in the field. This report defined the status of the volunteers as follows:

"Your committee, before closing their report, would respectfully call the attention of this house to the army now in the field. This force is composed of volunteers from every rank of citizens in the country, whose services generally commenced before the assembling of this house, and as their movements have hitherto been regulated by officers of their own choice, no obligation can be imposed upon them to submit to the control of the provisional government; advisory communications are all that can be made to them. Nevertheless, your committee recommends that every honorable inducement should be held out for their continuance in their country's service, at any rate until a regular army be ready to take the field, and should Béxar so long hold out against their efforts. Already have this house passed resolutions for their individual compensation, when the

resources of the country will permit. The land offices have been closed, that no advantage should be taken over the soldier in the field in making his selection of lands; the gratitude of this body, as the representatives of the people of all Texas, has been twice expressed and entered upon the journals of the house, and every effort used to afford supplies of ammunition and provisions within the power of the late council, and of this body; these efforts we recommend to be continued, and that this house recommend the members of the army to elect such officers as are wanting, and that all officers report themselves to the governor and council for commissions; that their respective ranks be known of record for purposes obviously necessary for their future compensation, and that of the soldiers under them, who may receive discharges from their respective officers, that they may be fully known when a grateful country shall be able to express her thanks in bounties more substantial than mere words. Your committee recommend that the army be encouraged to persevere, with the assurance that every exertion will be used by the provisional government to aid, comfort and support it which it has within its power, and will cooperate in forwarding its operations."

The attitude thus expressed, while deferential to the volunteers, was not such as to further the project of creating a well-disciplined army, and this fact, taken together with the conflict between the governor and the general council which arose later, was productive of much confusion and consequent evil.

The general council, it was provided in the provisional constitution, should be composed of one repre-

sentative from each municipality, the first to be chosen from among the delegates. Those chosen to fill this office were as follows: A. Houston, San Augustine; William Menifee, San Felipe de Austin; Daniel Parker, Nacogdoches; Jesse Grimes, Washington; A. G. Perry, Viesca; D. C. Barrett, Mina; Henry Millard, Liberty; Martin Parmer, Teneha; J. D. Clements, Gonzales; R. R. Royall, Matagorda; W. P. Harris, Harrisburg; E. Waller, Columbia, and Wyatt Hanks, Bevil.

At the same time Sam Houston was elected commander in chief of the regular army, William H. Wharton, Dr. Branch T. Archer and Stephen F. Austin were named as special commissioners to go to the United States to enlist the assistance of the American people. Austin, of course, was expected to resign his command of the volunteers to undertake this mission.

The consultation, having completed its labors, and the provisional government having been set up, the delegates voted on November 14 to adjourn to meet again on the first day of the following March, unless sooner called by the governor and council. As a final word all delegates were urged, if possible to do so, to go immediately to San Antonio to enlist with the volunteers in the campaign against that place.

APPENDIX

V. PLANS OF THE PROVISIONAL GOVERNMENT.

§ 5.
PLAN OF THE PROVISIONAL GOVERNMENT.

The plan of the provisional government adopted by the consultation of all Texas on November 13, and under which the provisional government was organized, was really a provisional constitution. The full text of this document was as follows:

ARTICLE I.

That there shall be, and there is hereby created, a provisional government for Texas; which shall consist of a governor, a lieutenant governor and a council to be elected from this body, one member from each municipality, by the majority of each separate delegation present; and the governor and lieutenant governor shall be elected by this body.

ARTICLE II.

The lieutenant governor shall be president of the council, and perform the duties of governor in case of death, absence or from other inability of the governor, during which time a president "pro tem." shall be appointed, to perform the duties of the lieutenant governor in council.

ARTICLE III.

The duties of the general council shall be to devise ways and means, to advise and assist the governor in the discharge of his functions; they shall pass no laws, except such as in their opinion the emergency of the country requires; ever keeping in view the army in the field and the means necessary for its comfort and support, they shall pursue the most effective and energetic measure to rid the country of her enemies and place her in the best possible state of defense. Two-

thirds of the members-elect of the general council shall form a quorum to do business; and in order that no vacancy shall happen in the council, if any member, from death or other casualty, shall be incapacitated to act, the governor shall immediately on information thereof notify the member elected to fill vacancies, and on his default any member who has been elected to this body from the same jurisdiction. The governor and council shall be authorized to contract for loans, not to exceed one million of dollars, and to hypothecate the public land, and pledge the faith of the country for the security of payment. That they have the power to impose and regulate imposts and tonnage duties, and provide for their collection under such regulations as may be the most expedient.

They shall have power, and it is hereby made the duty of the governor and council, to treat with the several tribes of Indians concerning their land claims and, if possible, to secure their friendship. They shall establish post offices and post roads and regulate the rates of postage, and appoint a postmaster general who shall have competent powers for conducting this department of the provisional government under such rules and regulations as the governor and council may prescribe. They shall have power to grant pardons, remit fines, and to hear and judge all cases usual in high courts of admiralty, agreeable to the law of nations.

ARTICLE IV.

The governor, for the time being, and during the existence of the provisional government, shall be clothed with full and ample executive powers, and shall be commander in chief of the army and navy, and of

all the military forces of Texas, by sea and by land; and he shall have full power, by himself, by and with the consent of the council, and by his proper commander or other officers, from time to time, to train, instruct, exercise and govern the militia and navy; and, for the special defense and safety of the country, to assemble in martial array and put in warlike attitude the inhabitants thereof, and to lead and conduct them by his proper officers; and with them to encounter, repel, resist and pursue, by force of arms, as well by sea as by land, within or without the limits of Texas; and also destroy, if necessary, and conquer, by all proper ways and enterprises and means, whatever, all and every such person or persons as shall at any time in a hostile manner, attempt or enterprise the destruction of our liberty or the invasion, detriment or annoyance of the country; and by his proper officers use and exercise over the army and navy, and the militia in the actual service, the law martial in times of war, invasion or rebellion, and to take and surprise, by all honorable ways and means consistent with the laws of nations, all and every such person or persons, with their ships, arms, ammunition and goods, as shall in a hostile manner invade or attempt the invading or annoying our adopted country. And that the governor be clothed with all these and all other powers which may be thought necessary by the permanent council, calculated to aid and protect the country from her enemies.

ARTICLE V.

There shall be constituted a provisional judiciary in each jurisdiction represented, or which may hereafter

be represented in this house, to consist of two judges, a first and second, the latter only to act in the absence or inability of the first, and be nominated by the council, and conditioned by the governor.

ARTICLE VI.

Every judge so nominated and commissioned shall have jurisdiction over all crimes and misdemeanors recognized and known to the common law of England; he shall have power to grant writ of "habeas corpus" in all cases known and practiced to and under the same law; he shall have power to grant writs of sequestration, attachments or arrests, in all cases established by the "civil code" and "code of practice" of the state of Louisiana, to be regulated by the forms thereof; shall possess full testamentary powers in all cases, and shall also be made a court of record for conveyances, which may be made in English and not on stamped paper, and that stamped paper be in all cases dispensed with; and shall be the "notary public" of their respective municipalities. All office fees shall be regulated by the governor and council; all other civil proceedings at law shall be suspended until the governor and general council shall otherwise direct; each municipality shall continue to elect a sheriff, alcalde and other officers of ayuntamientos.

ARTICLE VII.

All trials shall be by jury; and in criminal cases the proceedings shall be regulated and conducted upon the principles of the common law of England, and the penalties prescribed by said laws in case of conviction shall be inflicted, unless the offender should be pardoned

or fine remitted; for which purpose a reasonable time shall be allowed to every convict to make his application to the governor and the council.

ARTICLE VIII.

The officers of the provisional government, except such as are elected by this house or the people, shall be appointed by the general council, and all officers shall be commissioned by the governor.

ARTICLE IX.

All commissions to officers shall be in the name of the people "free and sovereign" and signed by the governor and secretary; and all pardons and remissions of fines granted shall be signed in the same manner.

ARTICLE X.

Every officer and member of the provisional government, before entering upon the duties of his office, shall take and subscribe the following oath of office: "I, A. B., do solemnly swear (or affirm) that I will support the republican principles of the constitution of Mexico of 1824, and obey the declarations and ordinances of 'the constitution of the chosen delegates of all Texas in general convention assembled,' and the ordinances and decrees of the provisional government; and faithfully perform and execute the duties of my office agreeably to law, to the best of my abilities, so help me God."

ARTICLE XI.

On charges and specifications being made against any officer of the provisional government for malfeasance or misconduct in office, and presented to the governor and council, a fair and impartial trial shall be granted, to be conducted before the general council; and if, in

the opinion of two-thirds of the members, cause sufficient be shown, he shall be dismissed from office by the governor.

ARTICLE XII.

The governor and council shall organize and enter upon their duties immediately after the adjournment of this house, and hold their sessions at such times and places as in their opinion will give the most energy and effect to the objects of the people and to the performance of the duties assigned to them.

ARTICLE XIII.

The general council shall appoint a treasurer, whose duties shall be clearly defined by them, and who shall give approved security for his faithful performance.

ARTICLE XIV.

That all land commissioners, empresarios, surveyors, or persons in anywise concerned in the location of lands, be ordered forthwith to cease their operations during the agitated and unsettled state of the country, and continue to desist from further locations until the land office can be properly systematized by the proper authority, which may hereafter be established; that fit and suitable persons be appointed to take charge of all the archives belonging to the different land offices, and deposit the same in safe places, secure from the ravages of fire, or the devastation of enemies; and that the persons so appointed be fully authorized to carry the same into effect, and be required to take and sign triplicate schedules of all the books, papers and documents found in the several land offices, one of which shall be given to the governor and council, one left in the hands of the land officer at the land office, the other to be

retained by the said person; and they are enjoined to hold the said papers and documents in safe custody, subject only to the order of the provisional government, or such competent authority as may be hereafter created; and the said persons shall be three from each department, as commissioners, to be forthwith appointed by the house to carry this resolution into full effect, and report thereof to the government and council (and that the said political chiefs immediately cease their functions). The different archives of the different primary judges, alcaldes, and other municipal officers of the various jurisdictions shall be handed over to their successors in office, immediately after their election or appointment; and the archives of the several political chiefs of the departments of Nacogdoches, Brazos, and Béxar, shall be transmitted forthwith to the governor and council for their disposition.

ARTICLE XV.

All persons now in Texas, and performing the duties of citizens, who have not acquired their quantum of land, shall be entitled to the benefit of the laws on colonization, under which they emigrated; and all persons who may emigrate to Texas during her conflict for constitutional liberty and perform the duties of citizens shall also receive the benefits of the law under which they emigrated.

ARTICLE XVI.

The governor and council shall continue to exist as a provisional government until the reassembling of this consultation, or until other delegates are elected by the people and another government established.

ARTICLE XVII.

This convention, when it may think proper to adjourn, shall stand adjourned to meet at the town of Washington on the first day of March next, unless sooner called by the executive and council.

ARTICLE XVIII.

All grants, sales, and conveyances of land, illegally and fraudulently made by the legislature of the state of Coahuila and Texas, located or to be located within the limits of Texas, are hereby solemnly declared null, void and of no effect.

ARTICLE XIX.

All persons who leave the country in its present crisis, with a view to avoid a participation in its present struggle, without permission from the alcalde or judge of their municipality, shall forfeit all or any lands they may hold or may have a claim to, for the benefit of this government; provided, nevertheless, that widows and minors are not included in this provision.

ARTICLE XX.

All monies now due, or that may hereafter become due, on lands lying within the limits of Texas, and all public funds or revenues, shall be at the disposal of the governor and general council, and the receipt of the treasurer shall be a sufficient voucher for any and all persons who may pay monies into the treasury; and the governor and council shall have power to adopt a system of revenue to meet the exigencies of the state.

ARTICLE XXI.

Ample power and authority shall be delegated, and are hereby given and delegated to the governor and general council of the provisional government of all

Texas, to carry into full effect the provisions and resolutions adopted by the consultation of the chosen delegates of all Texas, in general convention assembled, for the creation, establishment and regulation of the said provisional government.

OF THE MILITARY.

ART. 1. There shall be a regular army created for the protection of Texas during the present war.

ART. 2. The regular army of Texas shall consist of one major general, who shall be commander in chief of all the forces called into public service during the war.

ART. 3. The commander-in-chief of the regular army of Texas shall be appointed by the convention and commissioned by the governor.

ART. 4. He shall be subject to the orders of the governor and council.

ART. 5. His staff shall consist of one adjutant general, one inspector general, one quartermaster general, one paymaster general, one surgeon general, and four aides-de-camp, with their respective ranks as in the United States army, in time of war, to be appointed by the governor.

ART. 6. The regular army of Texas shall consist of men enlisted for two years, and volunteers for and during the continuance of the war.

ART. 7. The regular army of Texas, while in the service, shall be governed by the rules, regulations, and discipline in all respects applicable to the regular army of the United States of America, in time of war, so far as is applicable to our condition and circumstances.

ART. 8. The regular army of Texas shall consist of eleven hundred and twenty men, rank and file.

ART. 9. There shall be a corps of rangers under the command of a major, to consist of one hundred and fifty men, to be divided into three or more detachments, and which shall compose a battalion under the commander in chief, when in the field.

ART. 10. The militia of Texas shall be organized as follows: All able-bodied men over sixteen and under fifty years of age shall be subject to militia duty.

ART. 11. Every inhabitant of Texas coming within purview of the preceding article shall, on the third Monday of December next, or as soon thereafter as practicable, assemble at each precinct of their municipality, and proceed to elect one captain, one first lieutenant, and one second lieutenant, to every fifty-six men.

ART. 12. When said election shall have taken place the judges shall certify to the governor forthwith the names of the respective officers elected, who shall as soon as practicable make out and sign and transmit commissions for the same; that if there shall be found to exist in any municipality more than three companies, the captain or commandants, on giving due notice thereof, shall call together the subalterns of said companies and proceed to elect one major; if of four companies, one lieutenant colonel; if of five or more companies, one colonel for the command of said companies, which shall constitute a regiment of said municipality; that if there shall be found to exist more than one regiment in said

municipality, the whole number of field and company officers shall, on due notice, proceed to elect a brigadier general out of their number, who shall command the whole militia in the said municipality.

Date Due

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